

The Alabama Municipal JOURNAL

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2015 Annual Convention





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On the Cover:

The League had nearly 1,000 registrants for its 80th Annual Convention in Tuscaloosa May 16-19. This was ALM's first time in Tuscaloosa since 1961 and the city has now been added to the rotation for future conventions. League delegates and guests will again meet in the City of Champions in 2020.

Active Members (452)

Abbeville, Adamsville, Addison, Akron, Alabaster, Albertville, Alexander City, Aliceville, Allgood, Altoona, Andalusia, Anderson, Anniston, Arab, Ardmore, Argo, Arion, Arley, Ashford, Ashland, Ashville, Athens, Atmore, Attalla, Auburn, Autaugaville, Avon, Babbie, Baileytown, Baker Hill, Banks, Bay Minette, Bayou La Batre, Bear Creek, Beatrice, Beaverton, Belk, Benton, Berry, Bessemer, Billingsley, Birmingham, Black, Blountsville, Blue Springs, Boaz, Boligee, Bon Air, Brantley, Brent, Brewton, Bridgeport, Brighton, Brilliant, Brookside, Brookwood, Brundidge, Butler, Calera, Camden, Camp Hill, Carbon Hill, Carrollton, Castleberry, Cedar Bluff, Center Point, Centre, Centreville, Chatoom, Chelsea, Cherokee, Chickasaw, Childersburg, Citronelle, Clanton, Clay, Clayhatchee, Clayton, Cleveland, Clio, Coaling, Coffee Springs, Coffeeville, Coker, Collinsville, Colony, Columbia, Columbiana, Coosada, Cordova, Cottonwood, County Line, Courtland, Cowarts, Creola, Crossville, Cuba, Cullman, Cusseta, Dadeville, Daleville, Daphne, Dauphin Island, Daviston, Dayton, Deatsville, Decatur, Demopolis, Detroit, Dodge City, Dora, Dothan, Double Springs, Douglas, Dozier, Dutton, East Brewton, Eclectic, Edwardsville, Elba, Elberta, Eldridge, Elkmont, Elmore, Emelle, Enterprise, Epes, Eufaula, Eutaw, Eva, Evergreen, Excel, Fairfield, Fairhope, Fairview, Falkville, Faunsdale, Fayette, Five Points, Flomaton, Florida, Florence, Foley, Forkland, Fort Deposit, Fort Payne, Franklin, Fredonia, Frisco City, Fruithurst, Fulton, Fultondale, Fyffe, Gadsden, Gainesville, Gantt, Garden City, Gardendale, Gaylesville, Geiger, Geneva, Georgiana, Geraldine, Gilbertown, Glen Allen, Glencoe, Glenwood, Goldville, Good Hope, Goodwater, Gordo, Gordon, Gordonville, Goshen, Grant, Graysville, Greensboro, Greenville, Grimes, Grove Hill, Guin, Gulf Shores, Guntersville, Gurley, Hackleburg, Haleyville, Hamilton, Hammondville, Hanceville, Harpersville, Hartford, Hartselle, Hayden, Hayneville, Headland, Heath, Heflin, Helena, Henagar, Highland Lake, Hillsboro, Hobson City, Hodges, Hokes Bluff, Holly Pond, Hollywood, Homewood, Hoover, Hueytown, Huntsville, Hurtsboro, HyTop, Ider, Indian Springs, Irontdale, Jackson, Jackson's Gap, Jacksonville, Jasper, Jemison, Kansas, Kellyton, Kennedy, Killen, Kimberly, Kinsey, Kinston, LaFayette, Lake-view, Lanett, Langston, Leeds, Leesburg, Leighton, Lester, Level Plains, Lexington, Lincoln, Linden, Lineville, Lipscomb, Lisman, Littleville, Livingston, Loachapoka, Lockhart, Locust Fork, Louisvillo, Lowndesboro, Loxley, Luverne, Lynn, McIntosh, McKenzie, McMullen, Madison, Madrid, Magnolia Springs, Malvern, Maplesville, Margaret, Marion, Maytown, Mentone, Midfield, Midland City, Midway, Millbrook, Millport, Millry, Mobile, Monroeville, Montevallo, Montgomery, Moody, Mooresville, Morris, Mosses, Moulton, Moundville, Mount Vernon, Mountain Brook, Mulga, Munford, Muscle Shoals, Myrtlewood, Napier Field, Natural Bridge, Nauvoo, Nectar, Needham, Newbern, New Brockton, New Hope, New Site, Newton, Newville, North Courtland, North Johns, Northport, Notasulga, Oak Grove, Oak Hill, Oakman, Odenville, Ohatchee, Oneonta, Onycha, Opelika, Opp, Orange Beach, Orville, Owens Cross Roads, Oxford, Ozark, Paint Rock, Parrish, Pelham, Pell City, Pennington, Perdido Beach, Phenix City, Phil Campbell, Pickensville, Piedmont, Pike Road, Pinckard, Pine Apple, Pine Hill, Pine Ridge, Pinson, Pisgah, Pleasant Grove, Pleasant Groves, Pollard, Powell, Prattville, Priceville, Prichard, Providence, Ragland, Rainbow City, Rainsville, Ranburne, Red Bay, Red Level, Reece City, Reform, Rehobeth, Repton, Ridgeville, Riverside, Riverview, River Falls, Roanoke, Robertsdale, Rockford, Rogersville, Rosa, Russellville, Rutledge, Saint Florian, Samson, Sand Rock, Sanford, Saraland, Sardis City, Satsuma, Scottsboro, Section, Selma, Semmes, Sheffield, Shiloh, Shorter, Silas, Silverhill, Sipsy, Skyline, Slocomb, Smiths Station, Snead, Somerville, South Vinemont, Southside, Spanish Fort, Springville, Steele, Stevenson, Sulligent, Sumiton, Summerdale, Susan Moore, Sweet Water, Sylacauga, Sylvan Springs, Sylvania, Talladega, Talladega Springs, Tallassee, Tarrant, Taylor, Thomaston, Thomasville, Thorsby, Town Creek, Toxey, Trafford, Triana, Trinity, Troy, Trussville, Tuscaloosa, Tuscumbia, Tuskegee, Twin, Union, Union Grove, Union Springs, Uniontown, Valley, Valley Grande, Valley Head, Vance, Vernon, Vestavia Hills, Vina, Vincent, Vredenburgh, Wadley, Waldo, Walnut Grove, Warrior, Waterloo, Waverly, Weaver, Webb, Wedowee, West Blocton, West Jefferson, West Point, Westover, Wetumpka, White Hall, Wilsonville, Wilton, Winfield, Woodland, Woodstock, Woodville, Yellow Bluff, York.

UA Coach Nick Saban Discusses Leadership and Success at ALM's Convention in Tuscaloosa

Carrie Banks • Communications Director • ALM

This past May, Tuscaloosa hosted the League's annual convention for the first time since 1961. With above-board hospitality that included an incredible Welcome Reception, the City and the University of Alabama outdid themselves preparing for ALM's 80th Annual Convention, which culminated with a memorable Closing General Session featuring UA football coach Nick Saban who addressed nearly 700 delegates and guests at the Bryant Conference Center.

With a coaching career that spans more than 40 years and includes four national championships and being named National Coach of the Year six times, Saban has earned the reputation of a superlative tactician, forthright leader and unparalleled motivator who understands the dangers of complacency as well as the challenges and demands of leadership and continued success. For nearly 30 minutes, Saban spoke earnestly about his methods to engage and inspire football players while building a cohesive team as well as offering sage advice for navigating everyday life.

"What is leadership?" Saban asked the crowd. "We make a mistake about what it is. It's really influencing someone else for *their* benefit. So many people think it's about influencing someone for their own benefit. That's manipulation, not leadership." He stressed that an effective leader must be someone others want to emulate and that leadership requires compassion and the ability to listen. He encouraged using the "feel, felt, found" approach when listening to others: "I know how you feel; I've felt that way before; and here's what I found out."

In discussing success, Saban reminded attendees that, because life is full of hardships, being positive is critical and staying the course is nonnegotiable. Success – achieving one's goals – "takes what it takes" and there are really very few choices to be made in order to be successful. "What choice do you have but to do the right things the right way?" he asked. "Anything you're doing outside of that, you're wasting your time. You have total control of your choices; you have zero control of the consequences. When you make good choices and decisions, you have better chances for good consequences."

Saban also cautioned the audience to be wary of "energy vampires" – those people who require the most from you yet offer very little in return – and to "be where your feet are" because when it comes to "process," you must be responsible for yourself. "Are you investing your time or spending it? Do you pray to be blessed or do you pray to be a blessing?" He further stressed the importance of being *present* by telling attendees not to "judge what's next" and that "worrying is like praying for what you don't want."

In discussing team dynamics, he pointed out that success depends on leaders knowing how to identify people who will work together to achieve a common goal: "Mediocre people don't like high achievers and high achievers don't like mediocre people. So if you have them coexisting, you'll never have a cohesive team."

Convention attendees gave Saban two standing ovations – as he entered and as he left – and Tuscaloosa earned a space in the League's convention rotation by hosting an outstanding multi-day event. Delegates will return to the City of Champions in 2020 for the League's 85th Annual Convention. ■



- "Worrying is like praying for what you don't want."
- "Mediocre people don't like high achievers and high achievers don't like mediocre people. So if you have them coexisting, you'll never have a cohesive team."
- "Don't judge what's next."
- "What are you selling today?"
- "Are you investing your time or spending it?"
- "The most important thing you can do for someone is LISTEN."
- "Do you pray to be blessed or do you pray to be a blessing?"
- "Be where your feet are."
- "You have total control of your choices; you have zero control of the consequences."
- Feel, felt, found: "I know how you feel; I've felt that way before; and here's what I found out."

The President's Report

By Councilwoman Sadie Britt, Lincoln



The Importance of Unity

President's Acceptance Address, May 18

I accept this outstanding position as the President of the Alabama League of Municipalities with utmost humility, pride and appreciation. It is a tremendous honor to serve in this position. With God's help, I plan to do all within my power to serve you well. Many thanks to my municipal colleagues who elected me to this status.

It has been a busy but wonderful year serving as Vice-President beside President Mayor Wally Burns. I thank you, Mayor Burns, for your leadership to the League as well as our outstanding working relationship throughout the year. We worked side by side on many projects and meetings. I treasure the friendship of Mayor Burns and his lovely wife, Retha.



2015-2016 League President Councilwoman Sadie Britt of Lincoln delivers her acceptance speech during the President's Banquet held on May 18 in Tuscaloosa.

I look forward to working with Vice President Mayor Phil Segraves from Guin during the next year. Congratulation on being elected Vice-President of our League! There are others for whom I have a special message of gratitude, but first I'd like to spend a little time on a subject I believe we should all thoughtfully consider. That subject is **UNITY**.

Many of you who know me probably know I was an elementary school teach for 30 years. Thanks to that amazing experience, I can tell you with absolute confidence that learning the value of teamwork needs to start early and that the lesson needs to be repeated often. Maintaining unity in my classroom is what made me a successful teacher. I also hope it taught invaluable lessons to the children in my care.

Unity refers to the condition or state of being **one**. It is my belief that unity will bring us closer, make us stronger and, thus, create a more efficient and meaningful relationship between our League, our cities and towns, our mayors, our councilmembers, our colleagues, our constituents, and even our families.

According to *World Book Dictionary*: "A circle has more unity than a row of dots." If we are united, we can be more successful in our endeavors.

Any experience in leadership teaches a valuable lesson about the necessity of having unity of purpose if a community is to be progressive in its mission. Our mission as elected officials should be doing everything in our power to make our cities and towns better places to live, work and raise our children.

Leaders are usually the first line of attack when efforts are launched to undermine a community. A city whose council is united is a strong city. A city whose council and mayor work as a *team* is an efficient and progressive city because the leaders understand the importance of their mission – to improve the quality of life for the *entire* community.

Our League of Municipalities is an organization that strives to provide unity for our cities and towns by serving us in the best ways possible. Executive Director Ken Smith and his very smart, capable staff represent us well. We are fortunate to have a League of this caliber.



ALM Immediate Past President Mayor Wally Burns of Southside passes the gavel to Lincoln Councilwoman Sadie Britt.

Our League offers a multitude of critical services – such as training for elected officials and municipal employees; providing legal advice, lobbying to pass legislation that makes life better for our constituents; and fighting legislation that could be damaging to our communities. The League also encourages us be active – to UNIFY – throughout the year and do our part to support favorable bills and fight unfavorable legislation by engaging with our state officials.

Because the League has so much to offer, and because the League has been our unifying voice for 80 years, I encourage each of you to become more involved in the League’s programs. Attend. Participate. **UNITE.**

We thank you, Ken Smith, and your entire staff for your professionalism, your attention to detail, your guidance, your enthusiasm and your obvious love and respect for Alabama’s cities and towns. I feel that we have the most outstanding League in the Nation.

I cannot conclude my message without thanking Mayor Walt Maddox for the unity he forged in bringing this convention to the City of Tuscaloosa. I hope you have felt that unity and harmony since you have been here, but – just in case you haven’t – let me share a few facts with you.

Mayor Maddox has been trying to bring the League’s annual convention to Tuscaloosa for quite some time. I’m sure the critics were saying:

“Tuscaloosa is not big enough.”

“Where will we meet?”

“Where will we stay?”

“Where will we eat?”

Those critics obviously didn’t have unity in mind.

However, Mayor Maddox was undeterred and, for the first time since 1961, we are back in Tuscaloosa. No, I wasn’t here then, but I am *very* happy to be here now and, Mayor Maddox, I thank you, the City of Tuscaloosa, your Council, your staff, the University of Alabama and the many

individuals and groups that came together to make this convention happen. Unity breeds success.

I’d like to now recognize a unique group of people who are very dear to me because they had a direct impact on me standing before you this evening: former League Executive Director Perry Roquemore, Jr. and his wife, Suzanne; former mayor of Lincoln Lew Watson who served as League President in 2006; and Mayor Johnny Ford of Tuskegee, who was the League’s first African-American president in 1989.

Thank you for your confidence, encouragement, guidance, support and all you have done for me that has led to this moment. Mayor Ford, you set the pace for many of us and I will do my best to continue to expand the League’s outreach and unify the membership.

I also thank my Mayor, Bud Kitchin; his wife, Debbie; Councilman Billy Pearson and his wife, Cee; Councilwoman Jean Burk and her husband, Colvin; Councilwoman Shelly Barnhart; Lincoln’s Public Relations Officer, Tonja Ramey and her husband, Bruce; and my City Clerk, Laura Carmack who could not be here tonight because of another conference she had to attend. Thank you for your support, the close working relationship we have and our love for each other and our wonderful city.

I thank my Pastor, Rev. J. S. Rowser, Jr. and his wife, Edith; his 89-year-old father, Rev. J.S. Rowser, Sr.; my son, David and his wife, Tiny; and my grandsons, David, Jr. and Demitrius. Thank you for your unconditional love and unwavering support.

And in closing, I thank each of *you* for your love and support and I ask you to remember this message of unity – to set the example for the young people in your communities and to work together to provide the best outcomes for your cities, your towns and your families.

May God bless each of you, your city, your town and the State of Alabama. ■



Lincoln Mayor Bud Kitchin presents ALM President Sadie Britt with roses during the President’s Banquet on May 18, 2015.

Municipal Overview

By Ken Smith, Executive Director



Director's Report Annual Convention, May 18, 2015

Before I begin, I'd like to take a moment to thank each of you for being here with us in Tuscaloosa. Our attendance figures remain remarkably high. This year 933 officials and spouses attend the Convention. In addition, over 450 exhibitors, representing 150 companies and state and federal agencies exhibited in our Expo Hall. These numbers are very consistent with other recent Conventions.

I also have to take a moment to thank several people. First, your staff – particularly Theresa Cook, who handles both the planning and operation sides of the Convention – has worked extremely hard to make this Convention successful. I hope that you will agree with me that we've put together a highly educational and enjoyable event.

In 2011, you voted to authorize us to bring the Convention to Tuscaloosa. I know Tuscaloosa appreciates your support and the trust you've placed in them to host an event this large. I know they consider it an honor.

This year's Convention, as much as any other in recent memory, was a true labor of love on behalf of the officials and staffs of our host City, Tuscaloosa, the University of Alabama and others in the community. They are proud to show off their community, the University and all they have to offer.

So, I'd to take a moment before I begin to thank Mayor Walt Maddox, the council of the City of Tuscaloosa and all of those who worked so hard to make this event a success. Without the joint work of all, this meeting would not have been possible. I hope you will join me in thanking all of these people – including yourselves – for this year's Convention.

Of course, there are always growing pains associated with any new event or location. So, I hope you'll please forgive any mistakes that we've made.

I'd also like to thank your President, Mayor Wally Burns, and your Vice President, Councilmember Sadie Britt, for their leadership over the past year. They have both done an outstanding job promoting your interests and supporting the goals of the League.

As I hope you realize by now, the Alabama League of Municipalities has been in existence for 80 years. If you didn't know that, don't blame us – I think it's been mentioned a few times here in Tuscaloosa.

Eighty years is a remarkable milestone, one I hope you're

as proud of as we are. The League was founded in 1935, in the middle of the Great Depression. Starting and sustaining a new entity in that environment must have taken a great deal of dedication and hard work. To keep it going would have required a true sense of unity and commitment.

Think about the world that existed in 1935 and all the events that have occurred since then. World War II. The Korean Conflict. The Civil Rights movement. The rise and fall of Communism. Vietnam. 9/11. Wars in the Middle East. The Great Recession. The list goes on and on. Any of these events – and so many others here in Alabama and around the world – could have had a devastating impact on the League.

The world is a very turbulent place.

Yet the League has remained an island of stability for municipal officials and employees.

Eighty years is a long time. We owe a tremendous debt of gratitude to the many, many individuals who went before us and left us a path of success to follow.

I doubt that the mayors who met in Montgomery in 1935 to create the League had any clue what they were starting. But I think they would be proud of how far we've come and how we have adapted to the changing times and needs of our members. I think they would appreciate the way our members continue to work together and support each other, focusing on the common issues we share and recognizing that what affects one of our members has a ripple effect that can and will affect all of our members, large and small.

Every organization, no matter how stable, is on a continual journey. While keeping one foot planted firmly on the solid ground that led to the creation of the organization, few entities can afford to simply stay where they are, continuing to do the same things the same way. To survive, an organization has to constantly monitor the needs of its members and adjust to meet those needs.

Municipalities are especially vulnerable to the shifting nature of life. Municipalities face constant change and immense challenges. They cope with it through the superb cooperation and quick responses of their officials and employees. The continual efforts of elected officials, city managers, clerks, planners, public safety and public works personnel and others does not go unnoticed by those of us who serve you. It is amazing to

think of the courageous work performed everyday by the municipal officials and employees of Alabama.

Last year, when I spoke to you at this event, I tried to explain what the League is, what we do and encourage you to take an active role in this wonderful organization it has been my honor to serve for almost 30 years.

And, I hoped to begin to develop a roadmap that will lead us into the future.

When people think of the Alabama League of Municipalities, they generally think of us as a lobbying organization. But I think we're much more than that.

When I think of the League, I think of the floods that struck Elba back in 1990, and the after-effects of the 2011 tornadoes. I think of hurricanes striking the coast. I think of the economic downturn in 2008. I think of your citizens facing immediate needs posed by these and countless other emergencies, unsure where to find help. I think of fire and police, sanitation services, public works and all the issues each of you have to deal with on a daily basis.

And I think of our commitment as an organization to help you prepare to respond to these and other crises, both great and small.

In the '40's, when the League saw a need to help cities collect delinquent insurance licenses, we developed a program to do that. In the '70's when we saw a need to help cities with workers compensation insurance, we developed

the Municipal Workers Compensation Fund. In the late '80's, when municipalities couldn't get liability insurance, we created AMIC.

In the first part of this century, we saw a way to help municipalities get low-interest loans and developed AMFund. We have seen a way to help you collect overdue debts and hope to soon have the Municipal Intercept Program available to help. I urge you to use these programs. They were created for you and are an important part of the services the League provides. They are run with your needs in mind.

So, are we a lobbying organization? Yes. But again – we are so much more.

I see the League as an umbrella organization that serves as a resource for our members and for others who share our view that the best government is the government that is closest to the people and that what benefits municipal government benefits all the citizens of the State of Alabama.

Groups and individuals who share our concerns and desires are welcome under the League tent.

When you need help, I hope you'll be able to say, I contacted the League and I found assistance there.

How do we provide help? We work hard to train our members in best practices and in basic principles through our training programs. Our advocacy and legal teams are determined to represent and serve you. Our publications and

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The Legal Viewpoint

By Rob Johnston, Assistant General Counsel



While You Were Working: Changes in Election Law Since the 2012 Municipal Elections

Ready or not, the 2016 municipal election cycle is almost here. Most of Alabama's municipalities will hold elections on August 23, 2016 which means that candidates can begin raising and spending money on August 23rd of this year. Just as high school graduates all over the state of Alabama recently reminisced on events over the past four years, we, here at the League, reflect upon changes made to elections law since the municipal elections in 2012. During that time, actions by the Alabama Legislature, as well as decisions from the United States Supreme Court and Alabama Supreme Court, created a few changes to federal and state elections law that will impact upcoming 2016 municipal elections. In the fall, the latest electronic edition of the League's *Procedures for Holding Elections in Mayor-Council Municipalities* will be made available to municipal officials. Until then, this article provides you with a resource highlighting the "new and fresh" changes that occurred since the 2012 municipal elections.

From the United States Supreme Court Regarding the Voting Rights Act – Federal Preclearance No Longer Required (but the Voting Rights Act of 1965 still does)

Prior to 2013, Section 5 of the Voting Rights Act of 1965 (VRA), required any changes in voting qualifications, prerequisites to voting, or standard practices or procedures with respect to voting which are different from what was in force on November 1, 1964, to be submitted to the United States District Court, District of Columbia, for declaratory judgment or to the chief legal officer to the Attorney General of the United States for approval. Rather than go through District Court, most municipalities submitted voter-related changes to the United States Department of Justice in a process commonly known as "preclearance."

However, on June 25, 2013, the United States Supreme Court in *Shelby County, Ala. v. Holder*, 133 S.Ct. 2612 (U.S.2013) held that the provision in the Voting Rights Act of 1965 setting forth a coverage formula and preclearance requirement for states and political subdivisions was

unconstitutional, and thus could no longer be used as basis for subjecting jurisdictions to preclearance. As a result of this decision, municipalities are no longer required to submit changes in voting procedure to the U.S. Department of Justice for approval. It is important to keep in mind however that while federal preclearance is no longer required, municipalities must vigilantly remain in compliance with the Voting Rights Act of 1965 because municipalities are still subject to the substantive provisions of the VRA.

The Fair Campaign Practices Act – No More Duplicate Reporting, "Death Penalty" Eliminated, New Civil Fines for Minor Violations, New Definitions, and The Ethics Commission's New and Prominent Role

In 2013 and 2015, changes were made to the Fair Campaign Practices Act (FCPA). The 2013 changes addressed the reporting scheduled to eliminate duplicative filings. The 2013 changes also eliminated the "death penalty" statute for candidates which prohibited municipalities from issuing a certificate of election for failure to file FCPA forms. In 2015, new responsibilities were given to the State Ethics Commission involving the FCPA which include investigative and enforcement authority of FCPA reports and the ability to issue and publish advisory opinions on FCPA requirements. The 2015 changes also clarifies dates for receipt of contributions and expenditures, identifies how qualifying fees and legal fees should be treated, creates a mechanism for closing a campaign committee in the event of the candidate's death, authorizes a campaign committee to use a money market or similar account, addresses the disposal of campaign property, and states that no annual report is required for a person who is appointed to fill a vacant term. It is important to note up front that compliance with the FCPA candidates duty and responsibility, and not the municipal clerk's. As such, it is appropriate to call attention to the changes in the FCPA.

Monthly Reports – For any year in which an election is held, the FCPA requires the municipal candidate's campaign

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website provide a tremendous amount of information. Your staff fields many questions daily from members requesting information. In whatever ways we can, we try to help you.

Last year, I defined our core functions very broadly as Service, Education and Advocacy. Our members constantly echo their needs in these areas.

Following the Mobile Convention, I decided to take a closer look at our management structure to see what seemed to work and what didn't. For some time now, I've had the feeling that there were ways we could improve the delivery of our services.

I tend to take the approach that if something ain't broke, you don't fix it. And things were not broken. But it seemed to me that with the growth and changes we've had, there was room for improvement.

Like most organizations, in the past the League has operated under a very hierarchical management approach. Almost all issues and projects were brought to the Executive Director for input at pretty much all levels of development. The Executive Director decided what resources to assign to projects and helped oversee projects to conclusion. This allowed the Executive Director to directly control League functions, but left very little flexibility for employees.

This process worked well when we had eight employees and a limited number of functions. It seems somewhat less effective with three times that many employees and an ever-expanding set of functions we perform.

After discussing my concerns with a number of people, including our former Executive Director, Perry Roquemore, your President, Wally Burns, and the staff, I decided that the best solution was to divide our departments into four divisions, each under a Division Chief who is responsible for handling the duties assigned to those areas. After all, we can't eliminate all



Ken Smith gives the Director's Report during the Business Session of the 2015 Annual Convention on May 18.

hierarchy. We need a chain of command. The four divisions, or teams, are:

- Advocacy and Public Affairs, which combines our Legislative Department with our Communications Department. Greg Cochran leads this team, which includes Carrie Banks and Karl Franklin, and our outside lobbying partner, the Bloom Group. This team handles our publications, provides communications and web functions for League programs and directs our legislative activities. Part of our goal is to improve our legislative reporting so that you can make better informed decisions when you reach out to your legislators about legislation that affects your municipality.

- Legal, which is headed by our General Counsel, Lori Lein, and includes Rob Johnston, Teneé Frazier and Sharon Carr. This team provides legal advice and assistance to our members and internal legal advice to the League and affiliated programs.

- Steve Martin leads the Finance and Infrastructure Division, which includes members of the Finance Department, Faith Ann Gunn, Melissa Chapman, Richard Buttenshaw and Rachel Wagner, our IT department, Monty Paggeot, Chuck Stephenson, Ken Gabehart and Nathan Baker, and facilities maintenance, which is provided by Ken Gabehart.

- I plan to head up our Member Services Division. This Team includes the CMO program, the Sponsorship Program, support services to all our Teams, League governance, working with our governing boards and officers and member relations, among other duties. This team includes Theresa Cook, Krystle Bell, Cindy Price, Melissa Chapman, Twanna Walton and Jennifer Frakes.

Employees who are assigned to insurance functions, including Loss Control, will continue to provide the high level of services they've provided in the past.

I retained our current Department Head structure. Our Department Heads do a great job and this will let the Division Chiefs better direct the work load within each division by allowing those with specific expertise to direct the aspects of projects that fall within their departments.

So, Greg will handle our legislative advocacy efforts, Lori will direct our legal assistance efforts, I'll head up our member service programs, and Steve will make sure our infrastructure remains strong so that can continue to serve your needs.

Lori, Steve and Greg will serve with me as a management team to direct the daily affairs at the League. The four of us have started meeting informally numerous times each day, individually or as a full group, to share information about what's taking place in each Division.

In addition to leading the member services team, I will serve as a member of all League Teams. My role on these Teams is not to micromanage, but to provide input, guidance and help improve coordination among the Divisions. Additionally, serving on these Teams helps me stay aware of everything we're doing. Trust me, I know that when the

buck stops passing, it will end up on my desk. But I believe that your Executive Director should stay focused on three key goals.

- Keeping the League’s mission on track
- Keeping the League’s members committed to that mission by keeping membership numbers high
- Ensuring that the League’s finances are adequate to meet the first two goals.

The actions I’ve taken are designed to help further those purposes and, hopefully, meet with your approval. Service, Education and Advocacy. As long as we remained focused on these three key areas, I believe we will remain a vibrant and successful organization.

Of course, our staff doesn’t break down into neat boxes that work only in certain areas. None of our employees performs only one job. Each of us works in all of our core areas at some time or another, and every member of our staff is important in providing these services. Each of us steps outside our core functions and assists in other areas.

We don’t have many specialists. We have generalists who specialize in certain key areas. These changes in our internal structure will, we feel, enable us to better serve the needs of our members by recognizing employee specializations while encouraging a Team approach to addressing those needs.

I doubt you’ll notice any major differences. In fact, I doubt


much will change in the way we perform internally. Out staff has always worked well together. But, hopefully, this new structure will make this working relationship – and the commitment to serving you – even stronger.

We’ve also taken several actions to restructure positions within these Teams. For example, I was startled this past year when a long-serving municipal official asked me why we considered it important for the League to train municipal officials.

To me, this statement indicated a need to raise the visibility of our training programs. Education has always been a primary part of the League mission. But, management of the CMO program has generally been assigned to an existing employee. For instance, most recently, Cindy Price has done a great job with the program, but had to balance her time between the CMO program and vendor relations.

To help raise the visibility and emphasize the importance of our training programs, I decided to split these duties into two position. So, I have appointed Krystle Bell to a newly created position, Training and Professional Development Administrator. She will manage our CMO Programs. Cindy will assume a new role as our Corporate Relations Manager, and devote her time to improving our vendor relations programs. I know both of them will do great in these new positions.

continued on page 16



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- Oscar Wilde

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President's Address

Mayor Wally Burns • Southside
Opening Session • May 16, 2015

Councilwoman Britt, Mayor Maddox, Ladies and Gentlemen ... 80 years ago yesterday – on May 15th, 1935 – a group of officials representing 27 municipalities met in Montgomery and went on record as favoring:

1. a fulltime League office in Montgomery;
2. a fulltime executive secretary to direct the activities and programs of the organization; and
3. an aggressive legislative policy aimed at restoring lost powers to municipal governments and providing cities and towns the legislative recognition they had long deserved and badly needed.

Today, it is my great privilege to welcome you to the League's 80th Annual Convention. I stand before you humbled to have served as the president of this time-honored organization for the past year.

An organization that grew from 27 members in 1935 to 452 members in 2015.

An organization that has worked tirelessly to strengthen municipal government through advocacy, training and the advancement of effective local leadership.

An organization that is respected not only in Alabama, but throughout the nation.

The general sessions, workshops and roundtable discussions over the next three days continue the League's tradition of guidance in governing. I hope you will take full advantage of the excellent program our staff has prepared. In addition, the Expo Hall, which will be open tomorrow

evening and Monday morning, features 148 companies and state agencies that routinely work with our cities and towns. Visiting the Expo Hall is the best opportunity you'll have during the year to meet with these vendors in one location.

Speaking of working with cities and towns, I'd like to take a moment to salute Alabama Power for their generous Keystone sponsorship of this year's convention and for their continued support of not only the League but the State of Alabama. Thank you, Alabama Power!!!

My good friend, Mayor Maddox, I applaud you, the Tuscaloosa City Council and your staff for hosting us this year. The last time the League held its annual convention in the Druid City was in April 1961 at the Hotel Stafford. That particular hotel no longer exists and I'm fairly certain there are very few folks in this room – if any – who were in attendance!

Mayor Maddox, I know planning this event has not been business as usual for your city or for our League staff, and I commend your efforts to bring us to Bear Bryant's stomping grounds. We certainly look forward to learning more about Tuscaloosa and exploring the University of Alabama campus over the next few days! Folks – let's all give Tuscaloosa a warm round of applause.

I also want to thank Councilwoman Sadie Britt for representing us as our League Vice President this past year. Sadie has been actively involved with the League for many years and is dedicated to our mission. She also serves on the board of directors for the Municipal Workers Compensation Fund. The citizens of Lincoln are fortunate to have Sadie



serving on their Council and I'm very fortunate to call Sadie my friend. Sadie is a class act and The League will certainly have an active and insightful president working on our behalf over the next year. Thank you, Sadie.

I especially thank Governor Bentley for joining us this afternoon. He certainly understands and appreciates that elected officials are held accountable on a continual basis by the people who elected us. We appreciate the Governor's efforts on behalf of our cities and towns and all the citizens of our great state.

When the League last met in Tuscaloosa, President John F. Kennedy, who had spoken at ALM's convention four years earlier when he was a senator, sent a Western Union telegram to attendees that read in part: "By joining together in cooperative effort through the Alabama League of Municipalities, I am sure your effectiveness as local government officials is continually enhanced. I am convinced, as I am certain you are, that strong, viable and productive local governments are an essential ingredient to the welfare of the nation as a whole."

Fifty-four years later, that same sentiment is even more imperative as 21st Century technology continually creates global communities – regardless of the scope of our offices or the size of our cities.

In order for municipal governments to not only provide

but to *expand* quality of life services to our citizens, elected leaders must be willing to embrace technology.

We must be open to innovative ideas.

And we must continually build relationships with our legislative delegations and key stakeholders.

As you well know, the role of municipal government involves providing services most people take for granted: police, fire, water, sewer, streets, garbage, emergency management, economic development, parks, housing ...

The average citizen has no idea the effort required to ensure services they consider nonnegotiable. They don't understand that our ability to provide these services relies heavily on relationships with the Alabama Legislature, Congress and numerous administrative agencies.

Prior to 1935, Alabama's municipal governments had no organized voice or structured advocacy initiatives. And, like the rest of the nation, Alabama was trying to fight its way out of the Great Depression.

Unemployment was the rule rather than the exception. Municipalities had kept services going on borrowed money and were heavily in debt.

Sources of revenue were scarce and pay scales for municipal employees were very insufficient. There was an immediate need for improving the revenue condition of cities and towns – a need to revise municipal borrowing powers, a need to enable cities and towns to engage in projects that would improve the economic climate and provide for the health of local communities.

In 2015, revenue is still a tremendous challenge – and not just within our municipalities. Since the Regular Session began on March 3rd, Governor Bentley and the Alabama Legislature have been considering numerous possibilities, including tax increases, to fill a potential **\$700 million dollar** void in the General Fund.

Our League staff has monitored every bill and worked closely with state representatives and constituent groups to protect our cities and towns from unfunded mandates as budget solutions continue to change.

The League's commitment to represent and protect municipal interests has now spread across eight decades and includes a coalition of contract lobbyists representing at least 14 municipalities who meet weekly during each Session to discuss and strategize issues being considered by the Legislature.

In addition, we've all been kept informed at every turn through the League's weekly *State House Advocate* that's emailed to us every Monday afternoon while all legislative information is updated regularly – hourly if necessary – on the League's website.

Folks, if we don't know what's going on – if we've not been part of the process – that's on *us*, not the League.

The Legislature will conclude its 2015 Regular Session in a few weeks. As of Monday, 1,111 bills were introduced this



The image is a graphic for Civil Southeast Engineering Group. It features a stylized logo at the top consisting of four overlapping shapes forming a square. Below the logo, the text "CIVILSOUTHEAST" is written in a large, bold, sans-serif font, with "engineering group" in a smaller font underneath. A horizontal line separates this header from the main text block. The main text describes the company's services: "Civil Southeast provides professional civil engineering services for municipal, utility, private, and transportation markets. Services include project development, engineering design, and construction management. The Civil Southeast Team strives to deliver prompt and defined solutions which meet their client's objectives." Below this text, there is a line with "CIVIL DESIGN | PROJECT MANAGEMENT". At the bottom left, the phone number "866.245.0584" is listed, and at the bottom right, the website "civilse.com" is provided.

session of which 49 had passed, including one of the League's six legislative priorities: mayoral vacancies in certain class 7 or 8 municipalities. Our municipal elections law revisions bill is also currently in position to pass.

Unfortunately, our Local Government Employee Liability Protection bill, which was first introduced in 2013, has – for the third time – been held in committee without hope for passage.

Even though several critical items in our legislative package have met with strong opposition, local governments have had significant legislative success this session – *ground breaking*, in fact!

As the 2015 Regular Session was about to begin, the Alabama Supreme Court ruled that the law authorizing referendums allowing alcohol sales in 35 municipalities was unconstitutional. The League swiftly drafted legislation to fix the disputed law and make the referendums valid. Our staff then led the support for passage of the bill.

Thanks to the immediate and unrelenting response from our membership, this legislation validating alcohol referendums in municipalities with a population of 1,000 or more passed within **five** days – the *fastest* a bill can move through the legislature. It was immediately signed into law by Governor Bentley as the first bill of the Session – ACT# 2015-01. The only other bill we can remember passing this quickly was in 1975 allowing for the recodification of the Alabama Code –

and in that instance, the legislation was already agreed upon by **all** parties!

This is a significant example of what we can achieve when we work *together* on behalf of our municipalities!

Our defensive strategy is ongoing as we continue to oppose several bills deemed harmful to local governments including: Municipal Business License Exemptions (HB185), Occupational Tax Preemption (HB149) and Police Jurisdictions Limitations (HB377). In all cases, our staff has provided substitutes or amendments to make the legislation more acceptable for local governments. These efforts will continue throughout the session, which, as you know, doesn't end for several more weeks. Therefore, we still have more work ahead of us.

That being said, please join me in thanking our League staff for their ongoing legislative efforts on our behalf!

Advocacy was a founding principle of this organization and will always remain a top priority. Over the past 80 years, our League has also developed a number of value-added services and programs elected officials and municipal employees would find difficult to do without.

Since 1937, the League has steadfastly kept its members informed through a formal publication, beginning with a tabloid newspaper called *The Alabama Municipal News* that, over time, changed into our current outstanding bi-monthly magazine – *The Alabama Municipal Journal*. In addition, we're all repeatedly encouraged to subscribe to *This Week*, the League's weekly e-newsletter that's distributed every Tuesday throughout the year as well as the *State House Advocate*, which is emailed to subscribers every Monday afternoon during the Session.

In 1948, the League began publishing *The Handbook for Mayors and Councilmembers* every four years and in 1972 the *Selected Readings for Municipal Officials* was added to the four-year cycle. These two publications are now distributed electronically and are absolutely invaluable to every person in this room!

In 1976, the League created the extremely successful Municipal Workers Compensation Fund and then followed with the Alabama Municipal Insurance Corporation in 1989.

For the past 25 years, we've continued to greatly expand member services. The League formed the Alabama Association of Municipal Attorneys in 1992 and implemented our voluntary Certified Municipal Official training program in 1994 – only the second such formal educational program for municipal officials in the country.

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During the Opening Session of ALM's 2015 Convention, Gov. Robert Bentley presented Mayor Wally Burns of Southside, League President 2014-15, with an official proclamation deeming May 17-23, 2015 as "Municipal Government Week" recognizing that "... being closest to the people, municipal governments are the ultimate expression of grassroots democracy."

Of course, we will continue to use Cindy's experience in our training programs. And both she and Krystle will, like all League staff members, do whatever is necessary to serve you.

You have a tremendous staff working for you at the League. No insult to our past employees, but top to bottom, I believe this is the best staff I've had the privilege of working with. They work hard and they genuinely enjoy working together. Watching them pull together on projects is amazing.

I'd like to ask the members of the League staff to please stand and ask you to give them a well-deserved – and thunderous – round of applause.

Many of our staff members are here at the Convention this year. I hope you'll take the time to meet the ones you don't know and say hello to those you do.

In many ways, this staff Team approach emulates the relationship that exists between the League and our members. We at the League see ourselves as your partners in addressing the many issues you face every day. Our job is to help you do your job better.

I hope you'll think of the League not just as your representative on the state and federal level, I hope you think of us as a resource for information on how you can better serve your citizens.

Municipalities are the owners of the League. As representatives of those owners, each of you has your own experiences and views of the world. You aren't likely to have the same opinions as your neighbor. But by sharing your views with others and through civil debate about those views, we identify and define our unified municipal voice.

This unified voice is obviously not going to reflect the individual desires of all of our members. We're too diverse for that.

But I think we are a broad enough organization to respect the views of others, to consider other viewpoints carefully, respectfully challenging those views when we feel it is necessary, then fully supporting the outcome, even if it doesn't represent our individual opinion.

I hope you'll add your voice to that of your fellow officials. After all, if you don't like the League's policies and positions, YOU are the only person who can change them. And you can only affect those positions by participating.

Looking into the near future, your staff has a number of projects we're working on. I've already mentioned that we hope to soon make our debt set-off service, Municipal Intercept Services, available. But that's only the tip of the iceberg. Last year, we unrolled a new sponsorship program.

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- **Reduce Domestic Violence through Programs**
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Mayor Phil Segraves of Guin Elected Vice President of the Alabama League of Municipalities



On May 18, Mayor Phil Segraves of Guin was elected by his municipal colleagues to serve as Vice President of the Alabama League of Municipalities for 2015-2016. He was elected and took office during the League's annual convention, which was held in Tuscaloosa May 16-19.

League Executive Director Ken Smith looks forward to working with Mayor Segraves over the next year. "Phil has been actively involved with the League for many years," Smith said. "He has served on a number of League committees, including our Executive Committee, and his municipal knowledge and leadership skills have been an asset to our organization. Phil will serve us well as Vice President."

Mayor Segraves is the current Vice President of the Municipal Workers Compensation Fund, Inc. (MWCF), a program created by the League in 1976. He has completed the League's Basic and Advanced Certified Municipal Official (CMO) programs. Both programs require 40 hours each of training through a series of one-day continuing education programs designed especially for mayors and councilmembers who voluntarily wish to receive formal training in municipal government. Through these programs, Mayor Segraves has received formal classroom training in subjects such as council meeting procedures; parliamentary procedure; the Open Meetings Law; public records; ordinance drafting; conflicts of interest; the State Ethics Law; duties of the mayor and council; tort liability; the competitive bid law; zoning and planning; annexation; municipal regulatory powers; municipal revenues and expenditures; personnel actions; and leadership development. ■



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Minutes of the General Business Session May 18, 2015 • Tuscaloosa

The Annual Business Session of the Convention of the Alabama League of Municipalities was called to order at 3:45 p.m., May 18, 2015, by President Wally Burns, at the Bryant Conference Center in Tuscaloosa, Alabama. Mayor Burns welcomed the attendees and expressed his appreciation for the honor of serving as President during the past year.

President Burns then called on Mayor Phil Segraves of Guin, Vice President of the Municipal Workers' Compensation Fund, Inc., (MWCF) for an annual report. Mayor Billy Joe Driver of Clanton, Chair of the Alabama Municipal Insurance Corporation (AMIC), gave AMIC's annual report. Mayor George Evans of Selma, Vice Chair of the Alabama Municipal Funding Corporation (AMFund) was called upon to make the AMFund annual report.

The president then called upon Ken Smith, Executive Director of the Alabama League of Municipalities, for his annual report. Mr. Smith expressed his thanks to all for present in Tuscaloosa and to Mayor Maddox, the City Council of Tuscaloosa and their staffs, as well as the staffs of the League and the Tuscaloosa Sports and Tourism Commission for their hard work in making the Tuscaloosa Convention a huge success. Mr. Smith noted that League membership was now at 452 cities and towns and discussed ways members can better participate as part of the League team. Copies of his report and the League's written Annual Report are attached to these minutes.

The President then called upon Lori Lein, League General Counsel, who read the rules for voting during the Annual Business Session. Following this, the President called upon Councilmember Donald "Dink" Myers of Guntersville, Chair of the Resolutions Committee, for the Committee's report. Councilmember Myers reported that the Resolutions Committee met on Saturday, May 16, and recommended that the League's *Policies and Goals for 2015* be adopted with certain amendments.

Councilmember Myers moved adoption of the *Policies and Goals for 2015*. Mayor Gena Robbins of York seconded the motion, which passed unanimously. The *Policies and Goals for 2015*, as amended, was declared adopted.

Councilmember Myers then presented the resolutions for adoption. He pointed out that members were given summaries of 45 resolutions recommended by the Resolutions Committee. Councilmember Myers moved adoption of Resolutions 1 through 38. The motion was seconded by Mayor Icie Wriley of Millport. The motion was adopted unanimously.

The President then called on General Counsel Lori Lein to read Resolutions 39 through 42. Mayor Ronnie Marks of Athens moved adoption of Resolutions 39 through 42. Mayor Joe Lancaster of Carrollton seconded the motion, which passed unanimously. The President then called on Ken Smith, Executive Director, to read Resolutions No. 43 through 46. Mayor Melvin Duran of Priceville moved adoption of Resolution No. 43, memorializing

former League President Mayor Bill Dukes of Decatur. Mayor Johnny Ford of Tuskegee seconded the motion. The motion passed unanimously. Mayor Jerome Antone of Georgiana moved adoption of Resolution No. 44, memorializing former League President Councilmember Alice Reynolds of Montgomery. Mayor James Adams of Mt. Vernon seconded the motion. The motion passed unanimously. Mayor George Evans of Selma moved adoption of Resolution No. 45, commending Mayor Wally Burns for his service as League President during the past year. The motion, which was seconded by Councilmember Mack Arthur Bell of Roanoke, passed unanimously. Councilmember Jerry Johnson of Orange Beach moved adoption of Resolution No. 46, memorializing active and former officials who have passed away since the last League convention, and moved to leave the motion open to include any additional names that were received by the end of the Closing General Session the next day. Councilmember Cynthia Pearson of Brundidge seconded the motion, which passed unanimously.

Mayor Johnny Ford proposed a resolution from the floor recognizing the 60th Anniversary of the Montgomery Bus Boycott. Councilmember Jocelyn Tubbs-Turner of Marion moved adoption of this Resolution. Councilmember Jay Roberson of Birmingham seconded the motion, which passed unanimously. (See page 21 for the 2015 Resolutions.)

Mayor Burns next presented the report of the Nominating Committee. Mayor Burns said the Nominating Committee had a tough assignment choosing officers for the next year from an abundance of very qualified candidates. He reported the Nominating Committee met and recommended the following persons:

President: Sadie Britt, Councilmember, Lincoln
Vice President: Phil Segraves, Mayor, Guin
Executive Director: Ken Smith

Executive Committee

From the First Congressional District:

Mayor Jim Staff, Atmore
Mayor Tim Kant, Fairhope
Mayor G. Richard Long, Jackson
Mayor Sandy Stimpson, Mobile
Councilmember Adam Bourne, Chickasaw

From the Second Congressional District:

Mayor Bill Gillespie, Prattville
Mayor Fred McNab, Pinckard
Mayor Billy Blackwell, Ozark
Mayor Jason Reeves, Troy
Councilmember Darrell Wilson, Tallassee

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All of our departments were involved in its development and implementation. Implementation of this project has become a model of what we can accomplish together. While this program has already proven successful, we have already made small modifications in the process that will make the program even more beneficial for sponsors and more helpful for our members.

Another change involved our policy committee process. Last year, we moved these meetings from the fall to the summer. This allowed the Legislative Committee to meet in early fall, which accomplished several goals. First, this allowed us to develop and promote our legislative agenda earlier. We were also able to pre-file a number of our bills and contact legislators earlier to better explain our legislative proposals. I think we saw success legislatively from making this change.

We also tested the idea of holding some CMO training sessions at the League office in Montgomery on Saturdays last summer. This change proved extremely popular, as both sessions were sold out and received rave reviews from our attendees. We plan to do this again this summer.

In fact, we have begun the process of overhauling the entire CMO program. The Executive Committee has authorized us to make significant changes in the program to help ensure

it continues to meet the desires and expectations of our members. You've seen a few changes here at this Convention, most notably by the use of a single credit form. You'll hear much more about developments in the CMO program in the near future.

We also released a new League software system we call "League Law." This innovative on-line program is currently being used by over 150 municipal attorneys and other officials. League Law includes summaries of Attorney General's Opinions and court decisions. This new electronic program will, we hope, open the door to new ways for the League to make its legal publications and programs available to our members. Of course, our General Counsel would want me to point out that using this program is no substitute for individual legal guidance. Before following any of the summaries, please contact us or your attorney to make sure your situation is similar to the facts presented in the summary.

In the coming year, we will continue to improve how we serve your needs. Our new staff structure will, I hope, help us find even better ways to deliver the services we provide.

Thank you again for being here in Tuscaloosa. You honor us by allowing us to serve you. Thank you for that privilege. ■



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League Resolutions Adopted at ALM's 2015 Convention

Resolutions 1-38 thank the various individuals, organizations, businesses and agencies for their participation in the 2015 Annual Convention and are listed here as summaries. Full text is provided for substantive resolutions 39-47. The complete text of the 2015 Resolutions is provided online at alalm.org.

1. Thanks Mayor Walt Maddox and members of the Tuscaloosa City Council and their staffs for assistance in planning the convention and for their hospitality during convention – the first time convention was held in Tuscaloosa since 1961.
2. Thanks Governor Robert Bentley for his address during the Opening Session.
3. Thanks the University of Alabama for their partnership with Tuscaloosa to host ALM's 2015 Convention.
4. Thanks Alabama Power Co. for their Keystone Sponsorship.
5. Thanks the companies who sponsored the 2015 convention.
6. Thanks Alabama's Congressmen and Congresswomen for their work for Alabama's municipalities in Congress.
7. Thanks the leadership of the Alabama House of Representatives as well as the House members who sponsored League legislation for their help during the Regular Session.
8. Thanks the leadership of the Alabama Senate as well as Senate members who sponsored League legislation for their help during the Regular Session.
9. Thanks the municipal lobbyists group for supporting League legislation and providing assistance to the League during the legislative process.
10. Thanks Ken Smith and League staff for their work.
11. Thanks League staff members for organizing and planning the golf tournament.
12. Thanks the Municipal Revenue Service for their golf tournament sponsorship.
13. Thanks the City of Tuscaloosa for planning and sponsoring the Saturday Night Dessert Reception.
14. Thanks the participants in the Sunday and Tuesday concurrent and general sessions.
15. Thanks the officials who presided over programs and made presentations during the convention.
16. Thanks ABC-LEO for hosting a reception on Saturday evening.
17. Thanks the Central High School JROTC for presentation of colors during the Opening Session.
18. Thanks Rachael Hughes for singing the National Anthem during Opening Session.
19. Thanks University of Alabama Coach Nick Saban for speaking during the Closing General Session.
20. Thanks the six attorneys for their participation in the Ask Your Attorney session on Tuesday morning.
21. Thanks Joyce E. Brooks for her presentation during the Closing General Session.
22. Thanks those who gave invocations during the convention.
23. Thanks the cities and towns that participated in the Municipal Flag Showcase.
24. Thanks Alabama Municipal Funding Corporation, Municipal Workers Compensation Fund and Millennium Risk Managers for sponsoring coffee breaks during the convention.
25. Thanks the exhibitors for their participation during the convention.
26. Thanks the state and federal agencies that had exhibit booths.
27. Thanks participants in the AAPP Program.
28. Thanks participants in the Municipal Clerks Program.
29. Thanks Councilwoman Sadie Britt for her service as League Vice President.
30. Thanks the members of the 2014-2015 Executive Committee for their expertise, advice and assistance regarding League operations.
31. Thanks chairpersons, vice chairpersons and members of the League's standing committees for their work during the past year.
32. Thanks members of the Board of Directors of the Municipal Workers Compensation Fund.
33. Thanks members of the Board of Directors of the Alabama Municipal Insurance Corporation.
34. Thanks members of the Board of Directors of the Alabama Municipal Funding Corporation, Inc.
35. Thanks municipal clerks for their outstanding work and for their program during this convention.
36. Thanks city managers and city administrators for their work and for their participation in the convention program.
37. Thanks state and federal departments and agencies for their assistance to municipalities.
38. Thanks Brenda Flowers Smith, Assistant Attorney General, for her invaluable assistance to municipalities.

continued next page



Resolutions Committee Meeting, May 16, 2015, Tuscaloosa.

RESOLUTION NO. 39

WHEREAS, in recent years lawsuits have exposed municipal employees to personal liability, even where they are acting in good faith, solely in the line and scope of their duties and responsibilities; and

WHEREAS, adding insult to injury, some judges in the state are actually finding for the plaintiff in these “personal” capacity suits, even though the plaintiff and judges agree that the employee is simply performing his/her job; and

WHEREAS, if the same protections that exist for municipalities don’t exist for municipal employees acting within the line and scope of their employment, municipal employees may be facing personal liability which may not be covered by insurance; and

WHEREAS, the Alabama League of Municipalities is actively pursuing legislation to provide municipal employees protection from being sued in their personal capacity for actions taken within the line and scope of their employment;

NOW, THEREFORE, BE IT RESOLVED by the delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that they do submit to the Alabama Legislature this official statement of support for the passage of a bill supported by the Alabama League of Municipalities, and any other similar legislation, specifically protecting municipal employees who are sued in their personal capacity when acting within the line and scope of their employment; and

BE IT FURTHER RESOLVED that the delegates of the Alabama League of Municipalities formally request that the Alabama Legislature ardently support legislation supported by the Alabama League of Municipalities on this important issue for municipal government and municipal employees because, ultimately, the

quality of life for every Alabama citizen is affected by the municipal employees who serve them.

RESOLUTION NO. 40

WHEREAS, the Marketplace Fairness Act is currently being considered by the United States Congress; and

WHEREAS, this legislation would give states the authority to enforce local and state taxes that are already in place and owed by out-of-state online retailers; and

WHEREAS, this legislation would require retailers to collect and remit sales taxes to states and local governments for out-of-state online sales; and

WHEREAS, Alabama will lose an estimated \$350 million in uncollected sales and use taxes this year; and

WHEREAS, all businesses, regardless of their physical location, should be required to collect and remit state and local sales tax; and

WHEREAS, the playing field, as it currently stands, favors out-of-state, internet retailers that exploit a pre-internet loophole allowing them to evade collecting state sales taxes even though they sell the same products in the same communities; and

WHEREAS, as it currently stands, stores with a local retailer must collect sales taxes while online stores do not, thereby enabling online stores to undercut local retail prices; and

WHEREAS, this legislation is not a new tax or a tax increase, but rather enables states to collect taxes that are already due; and

WHEREAS, this legislation would generate more sales, pay more sales tax to the state treasury, encourage more local retailers, create jobs for local workers and infuse more money into local economies throughout the State of Alabama;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled



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in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that we do hereby thank Senator Richard Shelby and Senator Jeff Sessions for supporting the Marketplace Fairness endeavor and that we urge Alabama's members of the House of Representatives to also work for and vote in favor of passage of the Marketplace Fairness Act or companion legislation; and

BE IT FURTHER RESOLVED that the Alabama League of Municipalities calls upon federal policy makers to enact legislation requiring the collection and remittance of state and local sales taxes allowing all retailers to compete in a true free market and give every business an equal opportunity to compete, innovate and create jobs.

RESOLUTION NO. 41

WHEREAS, Alabama's cities and towns recognize the significant fiscal challenges facing the federal government; and

WHEREAS, tax exempt municipal bonds are essential financing tools used by Alabama's municipalities to allow them to build vital infrastructure to serve the public health, safety and welfare of their citizens; and

WHEREAS, the ability of municipal bonds and the 100-year precedent of the Federal tax exemption on municipal bonds assists in providing Alabama's municipalities with timely access to cost-effective capital; and

WHEREAS, eliminating or capping the deduction amount and thereby limiting the exemption of interest earned on municipal bonds as proposed by the White House will significantly raise the costs for Alabama's municipalities for infrastructure and public safety investments; and

WHEREAS, there is serious concern about the impact that altering the tax treatment of municipal bonds would have on the ability of Alabama's municipalities to manage their finances and invest in the future as well as their ability to provide for essential services and public safety;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that we respectfully encourage the White House and Congress to consider options other than the capping or elimination of tax exempt municipal bonds to find savings for the federal budget.

RESOLUTION NO. 42

WHEREAS, current funding for many essential state services is inadequate and continues to decline, and

WHEREAS, funding for mental health services in the State of Alabama to support those in need of treatment for serious mental illness, substance abuse and intellectual disabilities has failed to keep pace with inflation over the years, and

WHEREAS, waiting lists for mental health services are long and growing, and psychiatric hospitals in the State of Alabama have been closed resulting in individuals with serious mental illness being transferred to community mental health facilities, and

WHEREAS, when individuals with mental illness do not have access to services by trained mental health professionals, they often become the responsibility of the local police and other public safety agencies thereby increasing costs to local governments, and

WHEREAS, when the mentally ill enter the criminal justice

system for lack of professional care, it adds to the overcrowding in jails and the state prison system that is at near double the designed capacity and at risk of federal takeover.

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this 18th day of May, 2015, that they urge the Alabama State Legislature to continue to explore ways to sufficiently and adequately fund services for Mental Health, Public Safety, Corrections and other essential services without adding further to the financial burden of local governments.

RESOLUTION NO. 43

WHEREAS, Representative Bill Dukes passed away on December 18, 2014, at age 87 after more than four decades of outstanding and commendable service to the people of Alabama; and

WHEREAS, Representative Dukes was the Mayor of Decatur from 1976 until 1994 and was an active member of the Alabama League of Municipalities, serving on numerous committees and as League President from 1987 to 1988; and

WHEREAS, Representative Dukes was one of the original board members of the Alabama Municipal Insurance Corporation and served for several terms on the board of directors of the Municipal Workers Compensation Fund, Inc.; and

WHEREAS, Representative Dukes was a member of the Alabama State Legislature from 1994 until 2010 where he served as chair of the House County and Municipal Government Committee and consistently demonstrated leadership through a willingness to be fair and work with both political parties for the good of the State and;

WHEREAS, Representative Dukes was the commencement speaker for the graduation ceremony of the Alabama League of Municipalities' Certified Municipal Official Training Program for fourteen consecutive years; and

WHEREAS, Representative Dukes was a long-time advocate of municipal government and its critical role in the success and wellbeing of Alabama's cities and towns and is remembered as one of Alabama's most respected and beloved public servants;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that



ALM Executive Director Ken Smith and Guntersville Councilmember Dink Myers, Chair of the League's Committee on State and Federal Legislation, at the 2015 Resolutions Committee Meeting on May 16 in Tuscaloosa.

they do memorialize Representative Bill Dukes and pay tribute to the many years of dedicated service he gave to the City of Decatur, the Alabama League of Municipalities and the State of Alabama. His devotion to local and state government and his friendship will be missed by his colleagues throughout Alabama.

RESOLUTION NO. 44

WHEREAS, Alice Reynolds, former Council President of Montgomery, Alabama, faithfully served her community and its citizens for 26 years as an elected official from 1978 until 2004; and

WHEREAS, Council President Reynolds was elected by her municipal colleagues from the State of Alabama to serve as the third female President of the Alabama League of Municipalities from 2001 to 2002; and

WHEREAS, Council President Reynolds served on many League committees and was Chair of the Building Subcommittee responsible for the significant expansion to League headquarters in 1992; and

WHEREAS Council President Reynolds played a significant role through her position on the Montgomery City Council to bring Hyundai to Alabama; and

WHEREAS, Council President Reynold's belief in hard work and caring service to her community and its citizens were her guiding principles; and

WHEREAS, Mrs. Reynolds passed away on December 13, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that they do memorialize Council President Alice Reynolds and pay

tribute to the many years of dedicated service she gave to the City of Montgomery and the Alabama League of Municipalities. Her devotion to municipal government and her friendship will be missed by her colleagues throughout the state.

RESOLUTION NO. 45

WHEREAS, Wally Burns, Mayor of Southside, Alabama, has served as President of the Alabama League of Municipalities for the past year; and

WHEREAS, Mayor Burns' diligent attention to duty and outstanding leadership on behalf of the League and its members has led to the growth and well-being of the League especially during the past year; and

WHEREAS, the members of the League shall always be most grateful for Mayor Burns' years of unselfish service and untiring efforts to promote the programs, projects and philosophy of the League;

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this the 18th day of May, 2015, that they do recognize and commend Mayor Burns for his service as a municipal official in the State of Alabama and as a leader of our state organization and that they do wish him well in all of his future endeavors.

RESOLUTION NO. 46

BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama,

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on this the 18th day of May, 2015, that they memorialize the following persons who have died in office since our last convention, namely: Burrell Odom, councilmember, Tuscaloosa; Gary Reeves, mayor, Hokes Bluff; Harbert Harrison "Kurt" Kuykendall, councilmember, Lincoln; Virginia Abrams, councilmember, Pine Hill; Al Bradley, councilmember, Orange Beach; James "Levon" Hicks, mayor, Grove Hill; B.J. Meeks, mayor, Childersburg; Charles A. Gilliland, councilmember, Locust Fork; Ed Jones, mayor, Kellyton; Ecoles Cook, councilmember, York; Jerry Gaines, councilmember, Heflin; Jane M. Lamb, councilmember, Highland Lake; Eloise Judson, councilmember, Lockhart; Virginia Skinner, councilmember, Thomaston; Willie Pond, councilmember, Thomaston; Jack Freeman, councilmember, Snead; and Charles Davis, councilmember, Woodstock.

BE IT FURTHER RESOLVED that the following former officials be memorialized: Joe Dexter Flynn, former mayor, Rutledge; Sam Carroll, Jr., former councilmember, Ozark; John N. McCain, former mayor, Fultondale; Clyde L. Bohannon, Jr., former councilmember, Florence; Ray Stone, former councilmember, Fort Payne; Arthur L. Sumbry, former councilmember, Phenix City; Bob Pannone, former councilmember, Spanish Fort; William Stewart, former councilmember, Southside; Mignon Bowers, former councilmember, Athens; Alice Reynolds, former council president and League past president, Montgomery; Bill Dukes, former mayor and League past president, Decatur; James Orman Atkins, former councilmember, Reform; Larry Entekin, former councilmember, Cullman; Samuel Thomas Bentley, Jr., former mayor, Thorsby; James Gay, Jr., former mayor, Eutaw; Buster Miles, former councilmember, Heflin; Frank Buckley, former mayor, Sulligent; Mack Peel, former councilmember, Louisville; Roy Linn, Jr., former councilmember, Graysville; Diane Dake, former councilmember, Kimberly; Leonard Nobles, former mayor, Florala; Sam Hudson, former mayor, St. Florian; Naomi Flurry, former mayor, Killen; Cora Kelly, former councilmember, Rainbow City; Leroy "Spud" Burt, former councilmember, Brent; Rhoe Albert "Al" Thompson, former councilmember, Perdido Beach; Rayford Tapley, former mayor, Hurtsboro; Clarence Cleo Alexander, former councilmember, Eva; Juanita Beaty Ivey, former mayor, Ider; Martha Baker, former mayor, Cedar Bluff; Lee Swann, former councilmember, Jasper; Henry Scott, former councilmember, Alexander City; Tharon Camp, former mayor, Centerville; Max Cash, former mayor, Mentone; McArthur Williams, former councilmember, Selma; Cleo Phillips, former mayor, Creola; former councilmember Fred McCrory, Vestavia Hills; former councilmember Ted Newberry, Citronelle; Andrew Hayden, former mayor, Uniontown; Roland Whitehead, former councilmember, Glen Allen; Ray Brannon, former mayor, Malvern; Fredonia Smith, former councilmember, Ashland; Johnnie Mae Warren, former councilmember, Troy; and Buck Falkner, former mayor, Columbiana.

RESOLUTION NO. 47 (Adopted from the Floor)

WHEREAS, in 1955, African Americans were required by City of Montgomery ordinance to sit in the back half of city buses and to yield their seats to white riders if the front half of the bus was full, and;

WHEREAS, on December 1, 1955 Rosa Parks refused to yield her seat on a Montgomery City bus to a white man which resulted in her being arrested and fined, and;

WHEREAS, following Rosa Parks' arrest, civil rights leaders and organizers including, E.D. Nixon, Jo Ann Robinson and attorney Fred Gray, Sr. and others agreed that a long-term legal challenge of the bus segregation should be underscored with a boycott of the city bus system, and;

WHEREAS, E.D. Nixon and others worked tirelessly to recruit local leadership within the African American community to support the boycott including the Rev. Ralph Abernathy and the Rev. Martin Luther King, Jr. and organized a meeting at King's church on Dexter Avenue in Montgomery to set the boycott in motion, and

WHEREAS, four days after Rosa Parks' refusal to give up her seat on the bus the Montgomery Bus Boycott began and African Americans throughout the City of Montgomery refused to ride city buses, and;

WHEREAS, over 50,000 citizens, black and white, sacrificed time, convenience and sometimes personal safety every day for over a year to sustain the boycott, and;

WHEREAS, the boycott of Montgomery city buses continued until December 20, 1956, when a federal ruling in the case of Browder v. Gayle, took effect and led to the United States Supreme Court decision declaring the Alabama and Montgomery laws requiring segregated buses unconstitutional, and;

WHEREAS, the historic Montgomery Bus Boycott is heralded as starting one of the greatest fights for civil rights in the history of the United States.

NOW, THEREFORE, BE IT RESOLVED by the Delegates of the Alabama League of Municipalities in Convention assembled in Tuscaloosa, Alabama, on this 18th day of May, 2015, that they join the City of Montgomery and the entire state of Alabama in honoring the 60th Anniversary of the Montgomery Bus Boycott. ■



Mayor Mike Grayson of Demopolis, Vice Chair of the CED Committee, and Councilmember Marva Gipson of Aliceville, Vice Chair of the HD Committee, at the 2015 Resolutions Committee Meeting on May 16 in Tuscaloosa.



2015 Annual Convention

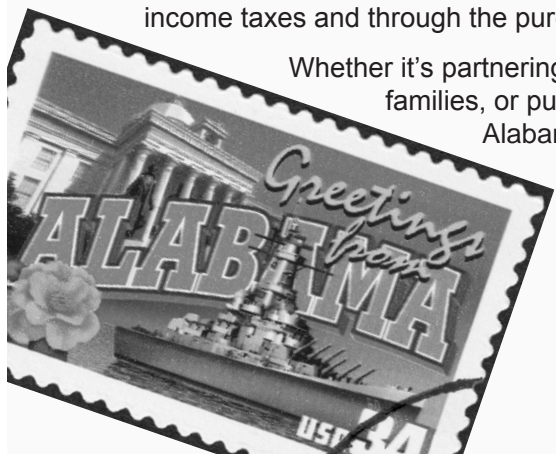
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Mayor Barry Moody, Lafayette
Councilmember Billy Pearson, Lincoln
Mayor Todd Strange, Montgomery
Councilmember Mack Arthur Bell, Roanoke
Mayor Oscar Crawley, Lanett

From the Fourth Congressional District:

Mayor Jimmy Madison, Berry
Mayor Terry John Calhoun, Rainbow City
Councilmember Deverick Williams, Gadsden
Councilmember Donald Pennington, Littleville
Mayor Ray Nelson, Fayette

From the Fifth Congressional District:

Mayor William "Ronnie" Marks, Athens
Mayor Tommy Battle, Huntsville
Mayor Don Kyle, Decatur
Councilmember Tommy Perry, Priceville
Mayor Troy Trulock, Madison

From the Sixth Congressional District:

Mayor Dennis Stripling, Brent
Mayor Tom Henderson, Center Point
Councilmember Cris Nelson, Helena
Councilmember Karyl Rice, Pelham
Councilmember Bobby Cook, Clanton

From the Seventh Congressional District:

Councilmember Harrison Taylor, Tuscaloosa
Mayor Loxcil Tuck, Tarrant
Mayor Roberta Jordan, Pine Hill
Mayor George Evans, Selma
Mayor Mike Grayson Demopolis

Ex Officio Members (Active Past Presidents)

Mayor Billy Joe Driver, Clanton
Mayor David Bradford, Muscle Shoals
Mayor Leon Smith, Oxford
Councilmember Harold Swearingen, Pine Hill
Mayor Melvin Duran, Priceville
Mayor Charles Murphy, Robertsdale
Mayor Wally Burns, Southside
Mayor Bobby Payne, Tallassee
Mayor Johnny Ford, Tuskegee
Mayor Walt Maddox, Tuscaloosa

Chair/Vice Chair League Police Committees

State and Federal Legislation Committee

Chair: Donald "Dink" Myers, Councilmember, Guntersville
Vice Chair: Howard Rubenstein, Mayor, Saraland

Finance, Administration and Intergovernmental Relations Committee

Chair: Charles Black, Councilmember, Priceville
Vice Chair: Bud Kitchen, Mayor, Lincoln

Energy, Environment and Natural Resources Committee

Chair: Herman Graham, Councilmember, Florence
Vice Chair: Leigh Dollar, Mayor, Guntersville

Community and Economic Development Committee

Chair: Alberta McCrory, Mayor, Hobson City
Vice Chair: Jocelyn Tubbs-Turner, Councilmember, Marion

Transportation, Public Safety and Communication Committee

Chair: Kenneth Coachman, Mayor, Fairfield
Vice Chair: Melton Potter, Mayor, Scottsboro

Human Development Committee

Chair: Marva Gipson, Councilmember, Aliceville
Vice Chair: Bridgette Jordan-Smith, Councilmember, Vincent

Mayor Johnny Ford moved that the nominations be closed. Mayor Sheldon Day of Thomasville seconded the motion, which passed unanimously. Mayor Bud Kitchens of Lincoln moved adoption of the Nominating Committee report. Councilmember Tammie Williams of LaFayette seconded the motion, which passed unanimously. The President declared all officers elected.

Mayor Walt Maddox of Tuscaloosa was called upon to present the report of the Site Selection Committee. He stated that the League Convention would be held in future years as follows: Huntsville; May 20 - 23, 2017, Birmingham; May 19 - 22, 2018, Montgomery; May 4 - 7, 2019, Mobile; and May 16-19, 2020, Tuscaloosa.

Mayor Maddox moved adoption of the report, which was seconded by Councilmember Mack Arthur Bell of Roanoke. There being no further business, the meeting was adjourned.

Ken Smith, Acting Secretary



Many thanks to the City of Tuscaloosa for hosting the League's 2015 Annual Convention - the first time since 1961! There was a Tuscaloosa table at every convention hotel along with folks to provide city information and a big dose of hospitality.

Legal Clearinghouse

Rob Johnston, Assistant General Counsel

NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. When trying to determine what Alabama law applies in a particular area or on a particular subject, it is often not enough to look at a single opinion or at a single provision of the Code of Alabama. A review of the Alabama Constitution, statutory law, local acts, administrative law, local ordinances and any relevant case-law may be necessary. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Ad Valorem Taxes: The 30-day period for taxpayer to file a notice of appeal of a final ad valorem tax assessment with the secretary of the county board of equalization began to run on the date of the entry of the final tax assessment. *Ex parte Shelby County Bd. of Equalization*, 159 So.3d 1 (Ala.2014)

Tort Liability: The \$100,000 damages cap applicable to county and municipal entities could not be extended to all health care authorities organized under the Health Care Authorities (HCA) Act without violating sections of state constitution providing for trial by jury and remedies for injuries. *Health Care Authority for Baptist Health v. Davis*, 158 So.3d 397 (Ala.2013)

Employees: Failure of county board of school commissioners to provide a teacher with proper written notice of termination was not reversible error, absent prejudice. *Cox v. Mobile County Bd. of School Com'rs*, 157 So.3d 897 (Ala. Civ.App.2013)

UNITED STATES COURT DECISIONS AFFECTING ALABAMA

Elections: The challenger to Alabama's state legislative redistricting of majority-minority districts did not waive its district-specific claims. On challenger's appeal to Supreme Court from three-judge district court's rejection of racial gerrymandering claim asserting an equal protection violation in drawing boundaries for electoral districts, the rejection applied the racial gerrymandering claim to the State considered as an undifferentiated whole. At oral argument before the Supreme Court, the challenger, when asked specifically about its position, stated it was relying on statewide evidence to prove its district-specific challenges, and the challenger clarified that by referring to "statewide," challenger meant a common policy that applied to every district in the State. *Alabama Legislative Black Caucus*

v. Alabama, 135 S.Ct. 1257 (U.S.Ala.2015)

First Amendment: Speech of a former assistant fire chief who served on city's pension board regarding his disagreement with city's handling of budget and pension issues was made in furtherance of his job responsibilities, and thus, did not constitute protected speech, as required to support employee's First Amendment retaliation claim arising from his termination. The city's interest in avoiding dissension and discord within the fire department outweighed the interests of a city employee. *Moss v. City of Pembroke Pines*, --- F.3d ----, 2015 WL 1423662 (C.A.11 Fla.2015)

Tort Liability: A preliminary injunction preventing city board of education (BOE) from continuing any punishment against a student who was suspended following altercation with assistant principal would not serve public interest, as weighed against issuance of injunction in the student's § 1983 action alleging due process violations. The injunction desired by student was in contravention of Alabama law, and public interest of ensuring that schools were made safe and drug-free for all students and school employees, as defined by Alabama legislature, would be hindered by injunction, rather than supported by it. *J.A. ex rel. Swain v. Talladega City Bd. of Educ.*, 41 F.Supp.3d 1302 (N.D.Ala.2014)

Equal Protection: Resident failed to state equal protection claim against police officer or city magistrate, stemming from altercation with officer over a blast of loud music from her son's car stereo system and magistrate's refusal to accept resident's criminal complaint against officer, absent allegations defining an identifiable group to which resident and her son belonged. *Waters v. City of Geneva*, 47 F.Supp.3d 1324 (M.D.Ala.2014)

DECISIONS FROM OTHER JURISDICTIONS

First Amendment: City ordinance banning outdoor, unattended charitable donation bins was a content-based regulation of charitable speech, so that strict scrutiny applied to First Amendment challenge to ordinance. The ordinance did not ban or regulate all outdoor, unattended bins, but only those bins that were intended to accept donated goods which carried a message about charitable solicitation and giving. The ordinance did not stand up to strict scrutiny, and thus, violated the First Amendment right of free speech. *Planet Aid v. City of St. Johns, MI*, 782 F.3d 318 (C.A.6 Mich.2015)

First Amendment: A county's rejection of a proposed paid advertisement, to go on the exterior of buses, referring to "Israeli war crimes" being financed by "your tax dollars at work," was viewpoint neutral, as required by the First



Amendment for the exclusion of speech from a limited public forum. The county had a facially viewpoint-neutral formal policy of excluding from its paid advertising program speech that was so objectionable under contemporary community standards as to make it reasonably foreseeable that it would result in harm to, disruption of, or interference with the transportation system. *Seattle Mideast Awareness Campaign v. County*, 781 F.3d 489 (C.A.9 Wash.2015)

Buildings: Denial by city and city officials of approval for property owners to build a proposed condominium project was rationally related to persistent asbestos and building code problems on the property, and thus, the owners could not prevail in their class-of-one equal protection claim based on the denial of approval to build, regardless of whether city officials were motivated by discriminatory animus. *Miller v. City of Monona*, --- F.3d ---, 2015 WL 1947886 (C.A.7 Wis.2015)

Employees: City fire department's district chief in charge of community safety and education did not suffer "materially adverse action" required to establish Title VII retaliation claim as result of his non-selection for position of district chief in charge of inspections, where positions were considered equivalent within fire prevention division, there was no evidence that they differed in terms of compensation, benefits, working conditions, or other factors, and he presented no evidence other than his subjective belief that inspections position was more prestigious. *Jenkins v. City of San Antonio Fire Dept.*, 784 F.3d 263 (C.A.5 Tex.2015)

Due Process: City's refusal to reschedule post-termination hearing before the city council did not deprive terminated city administrator of his procedural due process rights, where administrator was given notice of the hearing, he was available to attend, but chose not to because his counsel had a scheduling conflict, and hearing was held as scheduled. *Draper v. City of Festus, Mo.*, 782 F.3d 948 (C.A.8 Mo.2015)

ATTORNEY GENERAL'S OPINIONS

Public Records: A city board of education is required to disclose, by name, the compensation of employees under the Open Records Law. AGO 2015-037

Employees: A county E-911 board may assume the fringe benefits of new employees that were provided by their former employer without violating section 68 of article IV of the Alabama Constitution. AGO 2015-038

Boards: The town council may appoint a nonresident to the water works board of the town. AGO 2015-039


Boards: The city water board may not amend its certificate of incorporation to change its name. The water board may operate under the assumed name without amending its certificate of incorporation. AGO 2015-040

Nepotism: Section 41-1-5 of the Code of Alabama applies to employees of county boards of education. The promotion of an assistant principal to head principal in not "normal promotional advancement" as contemplated by section 41-1-5(b) of the Code. Section 41-1-5 of the Code prohibits a county school board from promoting a current employee to the position of principal where the new principal would be the immediate supervisor, or in the chain of command, of his or her relative within the fourth degree. AGO 2015-041

Open Meetings Act: The "power and authority" granted to public hospital corporations by section 22-21-5 of the Code of Alabama does not include the privilege to meet without

continued on page 34

**THE SOUTHEAST REGIONAL
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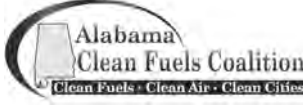


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2015 Annual Convention



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2015 Distinguished Service Awards

Each year during its Annual Convention, the League presents Distinguished Service Awards to mayors, councilmembers, municipal clerks, municipal administrative assistants, city managers, city administrators, municipal attorneys, municipal judges and League employees who have completed 20, 30 and 40 years of service in municipal government. A total of 18 awards were announced during the President's Banquet on May 18th in Tuscaloosa. Pictured here and on the following pages are the recipients of the 2015 Distinguished Service Awards. Not pictured – **20 Years:** Municipal Judge Michael Broom, Hartselle; Municipal Clerk Vivian Hagler, Clio; **30 Years:** Mayor James M. Giganti, Jr., Abbeville; Councilmember James Lewis, Greenville; Councilmember Karyl Rice, Pelham; Mayor Leon Smith, Oxford, Councilmember John H. Witherington, Troy; **40 Years:** Municipal Attorney N.S. Chipper Hare, Jr., Monroeville. *Awards continue on following page.*

20 Year Distinguished Service Award Recipients



20 Years: Councilmember Sadie Britt, Lincoln



20 Years: Councilmember Patricia A. "Patsy" Jones, Opelika



20 Years: Councilmember William Rayfield, Harpersville



20 Years: Councilmember Paul R. South, Jackson



20 Years: Councilmember Sandra F. Sudduth, Jacksonville



30 and 40 Year Distinguished Service Award Recipients



30 Years: Councilmember Calvin Gill, Wilsonville



30 Years: Mayor William R. McKinze, Jr., Aliceville



30 Years: Councilmember Harold E. Swearingen, Pine Hill



30 Years: Mayor John D. Wilcox, Steele



40 Years: Councilmember Bobby Joe Phillips, Calera



Legal Clearinghouse

continued from page 29

compliance with the Open Meetings Acts. The Regional Medical Center Board, which was created by municipal ordinance, is not exempt from the Open Meetings Act. AGO 2015-043

Competitive Bid Law: The County 911 Board of Commissioners may enter a contract for software, hardware, and training to enhance its existing mapping system without competitive bidding if the Board determines that the purchase is for custom software. Hardware that is the only type compatible with the existing system; contractual services that are impossible

to award by competitive bidding, or contractual services having an impact on the security or safety of person, structures, facilities, or infrastructures. AGO 2015-044

Police: The county sheriff may employ a full-time police officer of the city as a part-time deputy sheriff. AGO 2015-045

Public Works: A newspaper meeting the requirements of section 6-8-60 of the Code of Alabama is a newspaper of general circulation in the county for purposes of the Public Works Law. AGO 2015-046 ■

We launched our official website in 1998, developed our multi-service Loss Control Division in 2002, founded the Alabama Municipal Funding Corporation in 2006 and reorganized the Alabama Municipal Judges Association in 2007.

During the past year, the League's membership hit an all-time high of 453 out of 462 incorporated municipalities; technology has been expanded to include an in-house programmer; and League Law, an online municipal legal research system, was launched.

In addition, the League is currently developing a debt intercept program to begin in early 2016.

All the while, our staff continues to safeguard the mission of the League's founding fathers: to empower municipal government through advocacy, training and the advancement of effective local leadership.

No organization understands the importance of local government better than the Alabama League of Municipalities. Our staff's unwavering commitment to expand innovative

services, forge relationships, foster grassroots advocacy and provide year-round guidance is commendable.

The League has 22 full-time employees who rise to every occasion with integrity and professionalism. The quality and volume of their work is often understated; however, there's no doubt they work every bit as hard assisting *us* as we work to serve the citizens of our communities.

This convention is one of the largest in the state, bringing together more than 1,100 officials, clerks, attorneys, personnel administrators, exhibitors and guests. Not only does our staff develop a timely educational program, provide an exceptional Expo Hall and arrange for many networking opportunities, this year they worked closely with the City of Tuscaloosa, the University of Alabama and sports and tourism to manage a location that hasn't been in the rotation for more than 50 years!

On a personal level, I want to thank Ken Smith and the entire League staff for everything they've done for me over this past year and for their ongoing efforts on behalf of all our cities and towns.

I'll close today by reminding you that regardless of our many successes, our cities and towns remain vulnerable. The 2015 Regular Session is not yet over so there's still ample time for legislative peril. Therefore, it is imperative that we continue to work with our League to uphold municipal rights while guarding against pass-through legislation and unfunded mandates that siphon essential resources from our communities. As municipal leaders, we have a statutory and ethical obligation to provide top-tier quality of life services, reduce bureaucratic roadblocks and promote a culture of innovation. By meeting the high expectation of putting people first, we rise above politics, and most importantly, we enhance the communities we have the honor to serve.

I am very thankful for the opportunity to have served alongside you and our fine staff this past year as your League president. It was, indeed a privilege and an honor. May God continue to bless us, our communities and our Alabama League of Municipalities! ■



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Retail Expansion Plays a Big Role in Local Economic Development

MAJOR PLAYER



by C. Kelly Cofer, CCIM, President/CEO, The Retail Coach, LLC

The word “retail” was first recorded as a noun in 1433 with the meaning of “sale in small quantities”. Today, retail has become America’s largest industry sector supporting 42 million jobs and \$2.6 trillion of the annual GDP.

Alabama Retail Impact

In Alabama, retail supports one in four jobs, and the industry is responsible for 16 percent of the state’s GDP. Community leaders recognize that retail expansion also brings increased sales and property tax revenue to their hometowns, along with the quality of life enhancement of more shopping and eating options for residents. All the fundamentals of retail are strong in Alabama, which more than doubled its job growth in 2014 and, by February 2015, had reached pre-recession levels of employment. This expansion and a stable, diversified state economy will continue to be attractive to retailers.

What Does this Mean for Retail Expansion in Your Community?

By 2017, the web will account for 10 percent of U.S. retail sales, according to Forrester Research. That means traditional sites will still be king as they command 90 percent of all sales. In-store conversion rates continue to be four times higher than online-only conversion rates as customers demonstrate a desire for a physical space to interact with merchandise and service professionals. We believe that brick and mortar retail will not just survive *despite* online sales, it will thrive *because* of it. In fact, ICSC reported in January that retailers plan to open 77,000 physical locations in the next 24 months.

This creates an incredible opportunity for your community, but even though retailers are optimistic about the future, they are also very cautious. The retailers and site selectors who survived the recession take an analytical, data-driven approach when choosing locations for new stores and restaurants. The factors and data a retailer will analyze when deciding if their brand can thrive in your community include:

- Retail Trade Area Size (*this is typically much greater than your community population*)
- Retail Trade Area Demographics (*with an emphasis on average and median household incomes*)
- Retail Trade Area Psychographics (*consumer values and lifestyles drive a desire for particular products/services*)
- Retail Trade Area Sales Gap/Opportunity (*identifies sales leakage occurring when residents dine or purchase products*

outside of your community) *Workforce/Daytime Population (*very important for restaurants*)

- Location in Relation to Major Highways and Traffic Corridors
- Available Sites and Properties for Retail Development (*first question an interested retailer asks: “where can I put my business?”*)
- Pro-business Attitude and Development Processes (*retailers go where it’s easy to do business*)

To be responsive to the needs of site selectors, you must be ready to both market your community and then provide the data and information they need to make an informed decision.

What Else Can You Do?

First impressions continue to be important to retailers seeking to minimize risk and maximize profits. Tour your community and try to look at it as an outsider would. What kind of first impression does your town offer? What can you improve? Things to pay close attention to include appearance; pride of ownership of residential and commercial properties; a functional infrastructure; evidence of crime; codes and code enforcement; and the vitality of your downtown area. To be successful, a retail site must have each of these essential location factors:

- Visibility
- Accessibility
- Regional exposure
- Population density
- Population growth
- Operational convenience
- Safety and security
- Adequate parking
- Adequate signage

Supporting Your Current Retail Base

Retail retention is just as important as retail recruitment when it comes to the long-term economic strength of your community. The current retail data and information you gather to recruit new businesses should be shared with your existing retailers. This will help them better understand the spending patterns and purchasing behaviors of consumers in the community. They can make adjustments in their product and service offerings to keep more residents shopping locally and better target their marketing to draw a from a broader base of customers throughout your Retail Trade Area.

Take a Long-Term Approach

It's become our company's mantra, *but retail recruitment really is a process, not an event*. Your elected and staff leadership must develop and commit to a long-term Retail Economic Development Plan tied to your vision for the community and its forecast for population growth and build-out. Be sure there is a healthy balance between recruiting new businesses and supporting those currently making a contribution to your local community.

And don't become discouraged. Retail recruitment and expansion requires tenacity and patience. What is a *no* today from a site selector may turn into a *yes* in 12 months. ■

Founded 15 years ago by C. Kelly Cofer, The Retail Coach is the pioneer in retail recruitment and has served more than 275 communities in Texas and throughout the U.S. Cofer has 29 years of experience in all aspects of retail real estate and economic development and has earned the Certified Commercial Investment Member (CCIM) designation from the Chicago-based Commercial Investment Real Estate Institute and attended the Economic Development Institute at the University of Oklahoma. He holds a Bachelor of Science degree from Texas A&M University in College Station and is a guest speaker for industry organizations throughout the U.S. Contact Mr. Cofer at 662-844-2155, info@theretailcoach.net or visit www.theretailcoach.net.

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2015 Regular Session Recap

Greg Cochran • Director of Intergovernmental Relations • ALM

The 2015 Regular Session of the Alabama Legislature came to an early close on Thursday, June 4th, when the Alabama Senate passed an amended General Fund budget and adjourned sine die leaving the House of Representatives to concur with the Senate budget changes and send the enrolled legislation

to the Governor. That evening, Governor Bentley vetoed the General Fund budget and announced plans to call a late summer Special Session to give the Legislature another opportunity to reach a consensus on new revenue measures to meet the demands of the General Fund budget.

Even though the 2015 Regular Session did not produce a General Fund budget, it was a successful session for municipal governments. Three League proposals passed and received the Governor’s signature. We sincerely thank our legislative sponsors for carrying these proposals on behalf of municipal officials and Governor Bentley for signing them into law:

- **Alcohol Referendum Validation ACT #2015-01** by Rep. Jimmy Martin and Senator Paul Sanford
- **Mayor Vacancy Procedures ACT #2015-81** by Rep. Lynn Greer and Senator Paul Sanford
- **Municipal Election Revisions ACT #2015-216** by Rep. Jack Williams and Senator Cam Ward

Extremely Challenging Session

This year 1210 bills were introduced in the Alabama Legislature – 701 in the House and 509 in the Senate. Of those introductions, 364 were passed by both bodies. The League staff identified approximately 820 bills of interest to municipal governments and were successful in opposing several proposals that would have capped, exempted or preempted municipal governments from imposing business licenses and/or sales taxes on certain segments of the business community. Much like National Championships in college football, while passing proactive legislative proposals important to our members is necessary, our defensive efforts to keep others from infringing on municipal operations seems to be where we spend the bulk of our political energy and how we gauge our ultimate successes.

The Regular Session proved extremely challenging for Alabama’s legislators in their quest to find new revenue sources to provide adequate funding for the State’s General Fund budget. For municipal officials, the greatest challenge of the Session was convincing the Legislature not to put the

burden of fixing the General Fund budget on the backs of local governments. Several proposals to raise additional revenues would have placed caps on local governments to raise future revenues from affected businesses. Other proposals would have shifted the burden of paying the cost of State services to local governments and some would have granted segments of our business community exemptions of local licensing authority.

What happens next?

We know Governor Bentley will call a late summer Special Session.

We know the Alabama Legislature will return to consider new revenue raising measures to meet the demands of the General Fund budget.

We know many of the same proposals that failed during the Regular Session will be proposed again in the Special Session.

We know the Alabama Legislature must adopt a General Fund budget.

THEREFORE:

We must remain engaged in the process this summer and beyond.

We must convey to members of the Legislature that funding the State budget on the backs of local governments is unacceptable.

We must remind members of the Legislature that municipal governments have local demands on their budgets and are providers of critical services to their constituents.

The League urges you to spend time with your legislators this summer building a strong relationship with them. As Coach Saban said during his presentation at the League’s Annual Convention: “As leaders, we must communicate our expectations to those around us or the blame for them not performing in a manner we want is on us.” Like championship teams, the ground work is done today for tomorrow’s victories. Our efforts this summer will pay dividends when the Legislature returns to Montgomery for a Special Session and in following years.

Outcomes of the League’s 2015 Legislative Package

- **Validation of Alcohol Referendums** by Rep. Jimmy Martin and Senator Paul Sanford ratifies and confirms any election held pursuant to Section 28-2A-1 as amended by Act 2009-546 in which the voters in a municipality with a population of 1,000 or more voted to allow for the sale, distribution, and consumption of alcoholic beverages within the municipality. **RFD: HB72 Signed by Governor Bentley ACT#2015-01**
- **Mayoral Vacancies in Certain Class 7 or 8 Municipalities** by Rep. Lynn Greer and Senator Paul Sanford Section 11-44G-2, Code of Ala. 1975, provides a procedure to be

used in Class 7 or 8 municipalities for filling a vacancy in the office of mayor. Another statute provides that the Council President in cities of 12,000 or more inhabitants shall automatically become mayor under the death or resignation of the mayor. Over the years, the population of some Class 7 or 8 municipalities has increased to 12,000 or more inhabitants. These cities are faced with conflicting statutes and have no guidance as to the procedures they should use to fill mayoral vacancies. This bill amends Section 11-44G-2 to allow the council president to fill the vacancy in Class 7 or 8 cities with populations of 12,000 or more inhabitants. **RFD:** *Signed by Governor Bentley ACT #2015-81*

- **Municipal Election Law Revisions** by Rep. Jack Williams and Senator Cam Ward updates areas of municipal election laws which need amending. **RFD:** *Signed by Governor Bentley ACT#2015-216*
- **Appropriation for Wastewater Treatment SRF and the Alabama Drinking Water Finance Authority (General Fund Budget)** by Rep. Steve Clouse and Senator Arthur Orr: Many years ago, the Alabama Legislature established a State Revolving Loan Fund for Wastewater Treatment (SRF) and the Alabama Drinking Water Finance Authority. The purpose of these programs was to take state funds and match them with federal dollars to create a loan fund to offer low interest loans to governmental entities for wastewater treatment and drinking water projects. Each year, the League seeks additional matching funds from the Legislature to continue these nationally recognized programs. **RFD:** *Governor Bentley Vetoed the General Fund Budget*
- **Employee Liability Protection** by Rep. Steve McMillan and Senator Trip Pittman would have clarified the status of municipal employee liability protection under the tort laws of the State of Alabama to ensure that municipal employees are protected under the tort caps provided to local governments. **Outlook:** The League will continue to promote legislative remedies for employee liability protections through our advocacy efforts.
- **Pay Day Loan Reforms** by Senator Arthur Orr would have expanded the licensure requirement for persons engaged in the business of deferred presentment services to include services offered by mail, telephone, Internet, mobile device application or in person. **Outlook:** The League will continue to work with the Legislature to create a fair and balanced process for the industry while ensuring the availability of services for citizens needing short-term financial assistance.
- **Island Annexation Revisions** – many of our municipalities have *land entirely within their jurisdictional boundaries* that has not been annexed into the municipality. These municipalities need a process in which they can annex these properties into their municipality. This proposed legislation would provide a procedure that a municipality

could use to annex the unincorporated property. **Outlook:** The League will continue to work with all stakeholders to educate and alleviate opposition to municipal governments seeking a procedure to annex existing land entirely within their corporate jurisdictions.

Bills of Interest to Municipal Governments that Passed

- **Remote Sales Tax Remittance** by Senator Pittman establishes a voluntary remittance process for out of state retailers. The tax collected from consumers will be at an 8% rate. The distribution will be 4% to the State, 2% to municipalities and 2% to counties based on population. ACT# 2015-448.
- **Open Meetings Act Revisions** by Senator Ward prohibits serial meetings by local government bodies. ACT# 2015-340.
- **One Spot Procedures for Lodging Tax** by Senator Sanford allows local governments to receive lodging taxes by use of the One Spot program. ACT# 2015-52.
- **Energy Reduction Act of Alabama** by Senator Hightower authorizes local governments to provide non ad valorem tax funding bonds to finance energy reduction construction. ACT# 2015-494.
- **General Contractor Regulations** by Senator Marsh clarifies that the exemption that allows owners of property to improve their own property may not be altered or restricted by a municipal governing or regulatory body and repeals any conflicting municipal ordinance or regulation. ACT# 2015-480.
- **School Choice and Student Opportunity Act** by Senator Marsh creates the Alabama Public Charter School Commission to authorize charter schools. ACT# 2015-3.
- **Accountability Act of 2013** by Senator Marsh expands the tax credits and clarifies intent of educational choice. ACT# 2015-434.
- **Corrections Reforms** by Senator Ward reforms criminal penalties and creates community corrections programs. ACT# 2015-185.
- **Eminent Domain Revisions** by Senator Holley prohibits using eminent domain in order for acquiring mortgages or deeds of trust. ACT# 2015-83.
- **Transportation Infrastructure Bank** by Senator Orr establishes memberships, powers and duties, sources of capitalization for issuance of bonds, loans and financial assistance for qualified projects. ACT# 2015-50.
- **Motor Fuel Taxation** by Senator Whatley revises and clarifies the collection and distribution of motor fuel taxes. ACT# 2015-54.
- **Highway Authority** by Senator Singleton allows municipalities and public corporations to enter into funding

agreements for road, bridges and tunnel construction. ACT# 2015-212.

- **Firefighter Death Benefits** by Rep. Treadaway authorizes families to receive death benefits of firefighter the same as if the firefighter died in line of duty. ACT# 2015-257.
- **Alabama Jobs Act for Economic Development** by Rep. Baker authorizes job credits and investment credit for approved projects against utility taxes, income taxes and insurance premium taxes. ACT# 2015-27.
- **Alabama Reinvestment and Abatements Act for Economic Development** by Rep. Lee allows abatement of non-educational ad valorem taxes and sales and use taxes for a period of 20 years for qualified projects. ACT# 2015-24.
- **Alabama Veterans & Targeted Counties Act for Economic Development** by Rep. Beech allows for a 4% jobs credit for qualified projects in targeted rural counties and an additional .5% jobs credit for hiring of veterans. ACT# 2015-41.
- **One Call Notification** by Rep. Greer expands the definition of public rights of ways for purpose of notification. ACT# 2015-363.
- **Municipal Alcohol Options** by Rep. Martin authorizes a municipality with a population of 500 or more to conduct procedures for a petition and referendum for the sale of alcohol. ACT# 2015-2.
- **Traffic Offenses (HB80)** by Rep. Pettus would have allowed law enforcement to issue citations at the scene of an accident for traffic offenses under certain circumstances. Pocket Veto.
- **Police Jurisdiction Revisions** by Rep. Johnson revises the notification, enforcement of new police jurisdictions until January 1 of the following calendar year. ACT# 2015-361.
- **Medicaid Regional Care Organizations** by Rep. Weaver provides exemption from local taxes, licenses, fees and other charges for Medicaid regional care organizations. ACT# 2015-349.
- **Bid Law Revisions** by Rep. McMillan allows for a local bid preference of five percent for both goods and services and a preference for in-state bidders of 10 percent. ACT# 2015-293.

Bills of Interest to Municipal Governments that Failed

- **Municipal Business License Exemptions** by Rep. Ron Johnson would specify that for purposes of the municipal or county business licenses, a qualified home health care or hospice agency or a qualified provider of durable medical equipment, prosthetics, orthotics or health care supplies would only be required to purchase a municipal or county business license for its headquarters or any branch office that it maintains within the state. In addition, a health care

employee or other agent or representative of a qualified home health care or hospice agency or a qualified provider of durable medical equipment, prosthetics, orthotics or health care supplies would not be required to purchase a business license from a municipality or county or its agent, including a private auditing firm, merely because the person visits a patient whose residence, or the health care facility in which they are being treated, is located within that municipality or county or furnishes equipment or health care supplies within the municipality or county.

- **Sale of Properties due to Unpaid Taxes** by Senator Pittman would cap the interest rate at 7.5% awarded against redeemers that wish to repurchase their property after a tax sale. The Legislative Fiscal Office report sites that “this cap could reduce the number of county tax sales by making tax lien purchases less attractive due to the reduction in the amount of interest that must be paid by the redeeming land in certain tax sale cases”. One estimate has SB362 reducing the tax interest collected by \$200 million annually. These are funds that are distributed to the state, counties, municipalities and local school boards.
- **Fire House Diesel Exhaust Systems** by Rep. Hanes would require a diesel exhaust system be installed in the fire station building within a certain time frame and under certain conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds.
- **Privilege or License Tax on Transportation Contractors** by Senator Pittman would remove the exemption of gross receipts from contracts made by the contractor with a county, incorporated city, or town from the tax levied on contractors’ gross receipts and provide further for the distribution of the proceeds from the tax levied on contractors’ gross receipts. This would add a 5% gross receipts tax to all municipal road maintenance contracts.
- **Motor Vehicle Sales Tax** by Rep. Clouse would increase the State sales tax on automobile sales by 1% and cap local government sales tax rates at current rates.

Special Session Outlook

The tentative schedule is for Governor Bentley to call a Special Session of the Alabama Legislature in late summer to consider the State General Fund Budget for the next fiscal year. Of course, the League will continue to closely monitor everything happening in Montgomery as well as publish our *State House Advocate* throughout the Special Session. If you have not signed up to receive this vital e-newsletter, which is sent weekly when the Legislature is in session, click on the link near the top left of the League’s homepage at alm.org to subscribe. For additional legislative information, click on the “Legislative Advocacy” drop-down tab at the top of the home page. If you have questions, do not hesitate to contact us at 334-262-2566. ■

ADEM: Disposal of Vegetative Waste by Open Burning

The Alabama Department of Environmental Management (ADEM) is pleased to provide information to local governments on the legality of open burning of vegetative waste. First, vegetative waste is defined very narrowly: it is vegetative material from land clearing, from yard maintenance (leaves and limbs) and from similar activities. Any other types of waste, such as domestic garbage, industrial waste, treated wood, mattresses, furniture, shingles, etc. cannot be burned. Second, all vegetative waste must be burned at the site where it is generated; streams of vegetative waste cannot be taken to another site to be burned. It is this restriction that prohibits local governments, landscapers, and others from being allowed to open burn at a central location on a long-term basis. Third, burning of vegetative waste by individuals on their own property is severely restricted. Among other conditions, open burning of vegetative waste must occur at least 500 feet from an occupied dwelling. This restriction limits burning in urban and semi-urban areas. Fourth and last, vegetative burning which would otherwise be legal under the two previous paragraphs is prohibited from May 1 to November 1 of each year in the following Counties: Baldwin, DeKalb, Etowah, Jefferson, Lawrence, Madison, Mobile, Montgomery, Morgan, Shelby, Russell and Talladega. This burn ban was established to minimize air quality impacts in critical months. Illegal open burning can result in ADEM's imposing a fine to the responsible party. Questions regarding open burning may be directed to ADEM at (334) 271-7879 or 7869.



A black and white photograph of a hand holding a black marker, drawing a heartbeat line on a white surface. The number '27' is drawn in a large, bold, white font over the heartbeat line. In the top right corner, there is a logo for 'SmokeFree Alabama' featuring a map of Alabama and the text 'SmokeFree Alabama'.

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Stress Management & the PEACE Strategy

2015 Convention Closing Session Keynote Highlights

By: Joyce E. Brooks

Does this sound familiar? Civic leaders work 24 hours a day. Every issue that arises becomes the issue of the leader. Constituents confuse civic duty with one's personal time. If, by chance, there is a critical vote and the leader votes the "wrong way", his/her name is mud. Last but not least, true civic leaders do not serve because of the salary.

Being a civic leader is a daunting and time-consuming commitment. The level of service and sacrifice involved should, at the very least, earn a civic leader a high five from their constituents. Of course, that doesn't happen very often. As the closing keynote speaker for ALM's 2015 Annual Convention, I could not promise attendees would return home to open arms, cheers and high fives; however, for that small space of time, they were presented with a small dose of well-deserved appreciation before leaving to once again serve without fanfare.

Because public service requires constant interaction with one's constituents (at all times of the day and night), civic leaders tend to neglect their own personal health and wellness to focus on the needs and issues of those they serve. Therefore, my topic for this year's keynote presentation was designed specifically to address overloaded civic leaders. The objectives were to raise each attendee's stress awareness. *What is stress? What are the causes and affects? How do you manage stress before it becomes a threat to one's health, wellness and ability to effectively serve?*

STRESS is a normal psychological and physical reaction to the ever increasing demands of life. Your brain comes hard-wired with an alarm system for your protection. When your brain perceives a threat, it signals your body to release a burst of hormones to fuel your capacity for a response. Once the threat is gone, your body is meant to return to a normal relaxed state. Problems occur when your body consistently fails to return to a normal, relaxed state. Unfortunately, stress is extremely common:

- 43% of all adults suffer adverse health effects from stress.
- 75% to 90% of all doctor's office visits are for stress-related ailments and complaints.
- Stress can play a part in a variety of health problems such as headaches, high blood pressure, heart problems, diabetes, skin conditions, asthma, arthritis, depression, anxiety and low libido.

Stress can be caused by internal factors, such as major life changes, difficult relationships and financial problems.

Chronic worry, unrealistic expectations and lack of flexibility are a few of the external factors that can result in experiencing stress. The affects of stress vary from person to person. Stress usually manifests itself in one's behavior, cognitive ability, emotional stability and physical health. Stress can also affect the bottom line of a business or organization. When safety, productivity, morale, and recruitment are impacted, it can cause a negative financial burden on an organization.



Through my presentation, I offered stress management strategies from three independent sources: the Mayo Clinic, American Heart Association and the PEACE strategy, which I developed several years ago to help me reduce my personal stress load after being diagnosed with breast cancer. The PEACE strategy is a result of my first-hand knowledge and experience with stress. The strategy is easy, free to implement and has been tried and tested and found (by me) to help minimize – and in some cases eliminate – stress. My PEACE strategy:

- P** – pray and/or meditate (Take whatever is stressing you to the altar.)
- E** – energize your mind, body and soul (Get back to healthy habits.)
- A** – adjust your attitude (Have an attitude of gratitude.)
- C** – communicate (Learn to say no.)
- E** – enjoy (Each morning you awake, you are given new mercies. Enjoy today for tomorrow is not promised.)

The main take-away from my closing keynote presentation: **one cannot give what you do not have.** Therefore, civic leaders must first become their best in order to give their best. By being aware of stress and how to manage it, Alabama's civic and elected leaders can continue to commit, serve and sacrifice for those who depend on them the most – the folks back home. With that said, the conference keynote was concluded by wishing the attendees: "Much PEACE always!" ■

Future Election Dates for Alabama's Cities and Towns

2015

- Birmingham – 4th Tuesday in August for mayor (2 year term)
- Dothan – 1st Tuesday in August for 3 council seats (2-year term)
- Montgomery – 4th Tuesday in August
- Talladega – 4th Tuesday in August

2016

- **All municipalities not specifically listed elsewhere in this article – 4th Tuesday in August**
- Huntsville – 4th Tuesday in August for mayor and 2 council seats
- Mountain Brook – 4th Tuesday in August for mayor and 2 council seats
- Scottsboro – 4th Tuesday in August for mayor and 2 council seats

2017

- Tuscaloosa* - 1st Tuesday in March
- Birmingham – 4th Tuesday in August
- Dothan – 1st Tuesday in August
- Mobile – 4th Tuesday in August

2018

- Auburn – 4th Tuesday in August
- Bessemer – 4th Tuesday in August
- Gadsden – 4th Tuesday in August
- Huntsville – 4th Tuesday in August for 3 council seats
- Mountain Brook – 4th Tuesday in August for 3 council seats
- Scottsboro – 4th Tuesday in August for 3 council seats

*See Act 2015-201

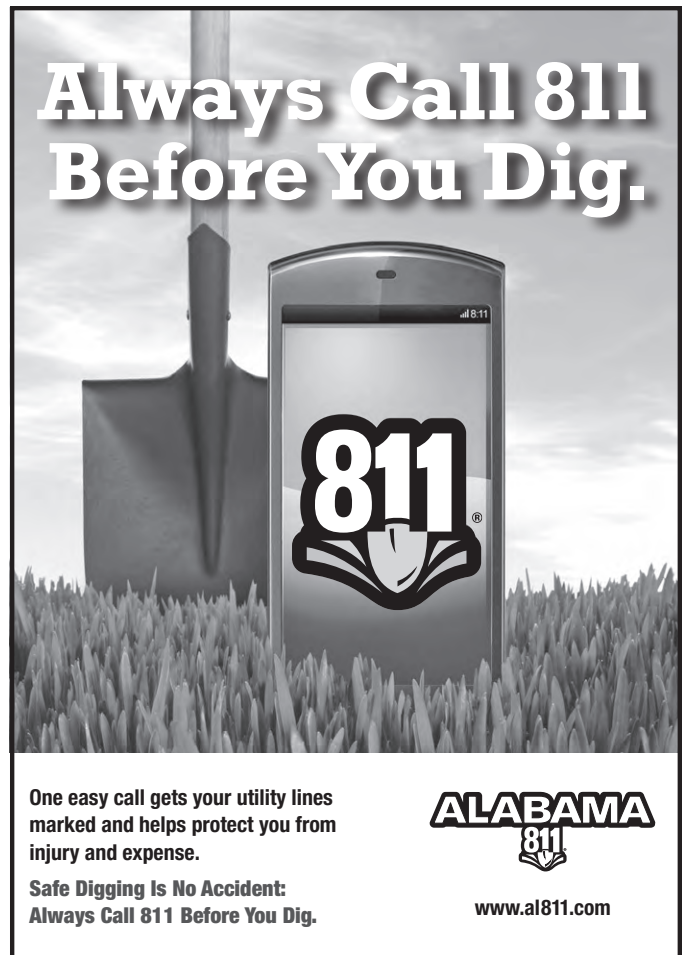
Are you following the League on Facebook?

Have you enjoyed the photos we have included in this issue of the *Journal*? Many of them were posted in real time during the Annual Convention!

As our base grows, Facebook will be another outlet for the League to provide timely information about upcoming CMO sessions, conferences, annual convention and ALM's legislative endeavors.

“Like” us on Facebook to stay up to date with the latest news and information from the Alabama League of Municipalities!

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The advertisement features a large image of a shovel standing upright in a field of grass. In the foreground, a smartphone is shown with the '811' logo on its screen. The logo consists of the number '811' in a bold, white font with a black outline, positioned above a stylized graphic of a shovel head. The background of the entire advertisement is a light, overcast sky.

Special thanks from the League to this year's sponsors for helping make our 80th Annual Convention possible:

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Alabama Clean Fuels Coalition
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Alabama Green Distributing, LLC
Alabama Mountain Lakes Tourist Association
Alabama Municipal Clerks Association
Alabama Municipal Insurance Corporation
Alabama Municipal Revenue Officers Association
Alabama Power Company
Alabama Recreation and Parks Association
Alabama Restoration and Remediation - ARR
Alliance Insurance Group
American Municipal Services
Ameron Pole Products
Andrews Technology
Arrow Disposal Service
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Civil Southeast, LLC
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Jackson Thornton
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NAFECO
National Center for Sports Safety
National Water Services, LLC



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 NexBillPay
 Pavement Restorations of Alabama
 Pittsburg Tank & Tower Maintenance Co.
 Playscapes of Alabama, LLC
 Polyengineering, Inc.
 Portland Cement Association - Southeast Region
 Precision Concrete Cutting
 Prestige Partners / Community Insurance
 Provident
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 Red Sage Communications, Inc.
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 Southern Playgrounds, Inc.
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 Southland International Trucks, Inc.
 Stryker Medical
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 Sweeping Corporation of America, Inc.
 Syscon, Inc.
 Tank Pro, Inc.
 Taylor Power Systems
 Temple, Inc.
 Terracon Consultants, Inc.
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 The Kelley Group
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 Utility Service Company, Inc.
 VC3
 Volkert, Inc.
 Vortex Aquatic Structures
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Ward Scott Architecture
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 Water Company of America
 Whitaker Contracting Corporation

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 Alabama Correctional Industries
 Alabama Dept. of Agriculture and Industries
 Alabama Dept. of Environmental Management
 Alabama Department of Revenue
 Alabama Industries for the Blind
 Alabama Public Library Service
 Alabama Surplus Property
 Alabama Trails Commission
 Center for Governmental Services
 - Auburn University
 DCNR - Alabama State Parks
 Employer Support Guard and Reserves (ESGR)
 National Weather Service
 Office of the Attorney General
 - Consumer Protection Section



committee to file with the probate judge in the county where the city hall of the municipality is located reports of contributions and expenditures once a campaign has received contributions or made expenditures of \$1,000 or more. Once this occurs, the treasurer of the committee must file a monthly report with the probate judge. Monthly reports are due on the second business day of the subsequent month during the 12 months leading up to the election. Section 17-5-8(a)(1), Code of Alabama 1975

Weekly Reports – For the four weeks prior to an election, weekly reports covering each week must be filed on Monday of the following week. The 2013 revisions made clear that a candidate who is required to file a weekly report during this period is *not* also required to file a monthly report in the month in which the election is held. This eliminates duplicative filings. See Section 17-5-8(k), Code of Alabama 1975.

Annual Reports – The 2013 revisions also made clear that a candidate who is required to file a monthly report during a certain period is *not* also required to file an annual report in the year in which the election is held. This eliminates a duplicative filing where an annual report is filed

within days of a monthly report. See Section 17-5-8(k), Code of Alabama 1975. The 2015 revisions made clear that no annual report is required for a person who is appointed to fill a vacant term. Further, annual reports are not required to be filed by public officials who have dissolved their campaign committees. See Section 17-5-8(b), Code of Alabama 1975

FCPA Penalties

In 2013, an administrative enforcement scheme for fines with minor violations and criminal penalties for intentional violations was added to the FCPA. In 2015, the process designating the enforcement authorities and enforcement date was clarified.

Commencing with the 2018 election cycle, the probate judge has the authority to levy administrative penalties for untimely filing of FCPA reports, and the Ethics Commission has the authority to levy administrative penalties for the inaccurate filing of FCPA reports. Section 17-5-19.1, Code of Alabama 1975.

- **1st offense:** Greater of \$300 or 10% of amount not reported



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- **2nd offense:** Greater of \$600 or 15% of amount not reported
- **3rd offense:** Greater of \$1,200 or 20% of amount not reported
- **4th offense** establishes a rebuttable presumption of intent necessary for criminal violation. The probate judge will notify the Attorney General and the appropriate district attorney for those who violate the filing requirements four or more times in an election cycle. See Sections 17-5-19.1 (b-c), Code of Alabama 1975

Fines for municipal candidates are collected by the probate judge and paid to that county's general fund. A candidate is permitted to correct an otherwise timely filed report without incurring a penalty so long as it is initiated by the candidate (as opposed to being prompted by the probate judge) and corrected prior to the election. Criminal penalties include a Class A misdemeanor and a Class B felony. Section 17-5-19, Code of Alabama 1975.

Receipts of Contributions and Dates of Expenditures

The date of receipt of a contribution is the first date that the recipient of the contribution is able to make use of the contribution. For contributions made by check, the date of receipt is the earlier of (1) the date the check was deposited into the recipient's account, or (2) ten (10) days from the date that the date came into the recipient's control. Section 17-5-2(c), Code of Alabama 1975. An expenditure is considered to be made on the date that the instrument authorizes the expenditure. For expenditures made by check, the date of expenditure is the date on the check. For expenditures made by electronic payment, the date of expenditure is the date of the electronic payment. Section 17-5-2(a)(7)(c), Code of Alabama 1975

Qualifying Fees and Legal Fees

The payment of a qualifying fee is deemed to be an expenditure. Section 17-5-2(a)(7)(a)(4), Code of Alabama 1975. Legal fees and costs associated with any civil action, criminal prosecution or investigation resulting from conduct reasonably related to performing the duties of the office is now an explicit purpose for which campaign funds may be expended. Section 17-5-7(a)(7), Code of Alabama 1975

Closing of the Principal Campaign Committee after a Candidate's Death

A candidate who serves as his or her own principal campaign committee must now designate a person responsible for dissolving the principal campaign committee in the event of the candidate's death or incapacity. If the designated person is incapable of serving at the time of such event, the campaign account shall be dissolved by the candidate's personal representative. All funds in the account

must be disposed in accordance with the FCPA. See Section 17-5-4(c), Code of Alabama 1975.

Candidate's Bank Account – More than Just Checks

A candidate's principal campaign committee may now maintain a money market account or a similar banking account and may use electronic transfers and credit cards. Previously, the FCPA only permitted the use of a checking account and the use of checks. Section 17-5-6, Code of Alabama 1975

Disposal of Campaign Property

Property purchased by or contributed to a campaign committee with a value exceeding more than \$500 must be liquidated at fair market value or donated as permitted by the FCPA within 120 days following the election. Any funds generated by the liquidation of the property must be deposited in the candidate's campaign committee account. If elected, the candidate may use the property purchased by or contributed to the campaign committee if it is in the performance of the candidate's duties in his or her office. Section 17-5-7.2, Code of Alabama 1975.

From the Alabama Supreme Court – Failure to Update Voter-Registration Information – Provisional Ballot at New Polling Location

In 2014, the Alabama Supreme Court in *Davis v. Bennett*, 154 So.3d 114 (Ala.2014) held that a regulation promulgated by the Secretary of State allowing voters who had moved within a county to cast ballots at their old polling place if they had not updated their voter-registration information violated section 17-9-10, Code of Alabama 1975, which requires voters who have moved to cast ballots at the polling place designated for their new address. The Alabama Supreme Court determined that voters who had not updated their voter-registration information should vote a provisional ballot at their new polling place instead.

Registration of Voters – A New Voter Registration Deadline

Although municipal officials are not directly involved with registration of voters (except where municipal clerks have been appointed deputy registrars), it is appropriate to call attention to the voter registration deadline change. In 2014, the registration deadline was changed so that the Board of Registrars may not register persons within 14 calendar days prior to an election. Section 17-3-50, Code of Alabama 1975. The registration deadline had been 10 days prior to the election.

Voter Identification – Photo I.D. is Now Required

Although Alabama's photograph voter identification

requirements were passed in 2011, they were designed to become operative during the first statewide primary election in 2014. As a result, these voter identification requirements are new to most municipal officials, since they were not used in the 2012 municipal elections.

Alabama's Elections law requires that each elector provide valid identification to an election official before being permitted to vote. Any of the following forms of identification shall be allowed:

1. A valid Alabama driver's license or nondriver identification card which was properly issued by the appropriate state or county department or agency
2. A valid Alabama photo voter identification card issued by the Secretary of State.
3. A valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the elector.
4. A valid United States Passport;

5. A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state

6. A valid student or employee identification card issued by a public or private college, university, or postgraduate technical or professional school located within the state, provided that such identification card contains a photograph of the elector;

7. A valid United States military identification card, provided that such identification card contains a photograph of the elector;

8. A valid tribal identification card containing a photograph of the elector

An individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election officials sign a sworn affidavit so stating. Section 17-9-30(e), Code of Alabama 1975.



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Absentee Ballot Applications – Same Application for both Municipal General and Runoff Elections.

Act 2014-006 amended Section 17-11-5(c) Code of Alabama 1975, so that applications for absentee ballots are required for elections which are more than 42 days apart. As a result, individuals can apply for absentee ballots for a municipal general election and a municipal runoff election with a single application as long as the runoff election is no more than 42 days after the general election.

Tie Breaker after a Runoff Election

In 2015, Section 11-46-55, Code of Alabama 1975 was amended to address the mechanism for breaking a tie after a municipal runoff election. See Act 2015-216. If a tie remains after the runoff election, the council has the first opportunity to be decide the winner. If the council chooses to break the tie, it must act no later than 12:00 noon on the first Tuesday following the runoff election. If the council fails to break the tie, the elected candidate will be decided by lot, in the presence of the candidates, by the probate judge in the county where the municipal hall is located no later than 5:00 P.M. on the first Tuesday following the runoff election.

Old Voting Machines vs. Electronic Devices

It is the League's understanding that voting machines are not currently used by any municipality in Alabama. Instead, Alabama municipalities use either paper ballots or electronic devices. In 2015, Section 11-46-33, Code of Alabama 1975 was amended to clarify that the use of these electronic devices is governed by rules adopted by the Alabama Electronic Voting Committee and state law and should not be confused with laws referring to voting machines. See Act 2015-216

Absentee Election Supplies - Delivery Date to the Clerk

The mayor must provide and deliver the municipal clerk a sufficient number of absentee ballots, envelopes and other necessary election supplies. In 2015, Section 11-46-32, Code of Alabama 1975 was amended so that its delivery date of absentee supplies no longer conflicts with Section 17-11-12, Code of Alabama 1975, which requires the mayor to provide absentee election supplies no later than seven (7) days after the qualification deadline. See Act 2015-216.

Statement of Economic Interest Forms – Candidates Must File them Directly to the Ethics Commission

In 2015, the requirement for filing a Statement of Economic Interest Form (SEI) by candidates were changed so that the candidate must now file directly to the State

Ethics Commission simultaneously with the filing of the candidate's qualifying papers. Section 36-25-15, Code of Alabama 1975. In the past, many candidates filed their SEI forms with the municipal clerk who then forwarded the SEI form to the State Ethics Commission. In addition, the Ethics Commission must confirm to the municipal clerk within five (5) business days that the candidate has filed the form as required. Section 36-25-15, Code of Alabama 1975

Conclusion

The election law changes discussed in this article must be applied to the upcoming 2016 municipal elections. As mentioned earlier, the updated *Procedures for Holding Elections in Mayor-Council Municipalities*, prepared by the League Legal Department, will be available in electronic format for municipal officials this fall. Should you have any questions or need information concerning municipal elections, please contact the League's Legal Department at 334-262-2566. We are more than happy to assist you as you navigate through the obstacle course of municipal elections. ■



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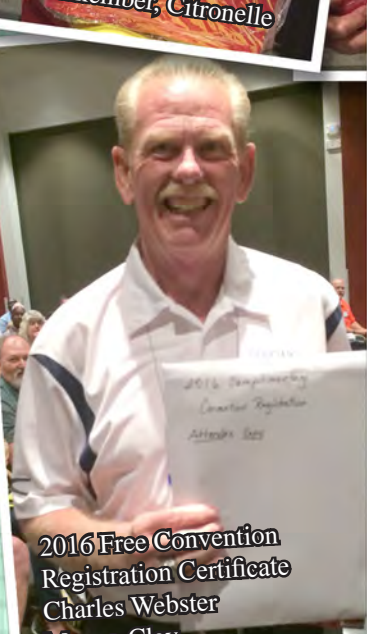
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